

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM-41503-2022 IN/AND
207-CRM-M-41706-2022
Date of Decision: 15.12.2022**

Kuljinder Singh

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. RM Sharma, Advocate for
Mr. Sanjeev Kumar, Advocate
for the petitioner

Sandeep Moudgil, J. (Oral)

CRM-41503-2022

Allowed as prayed for. Document (Annexure P4) is taken on
record subject to all just exceptions.

CRM stands disposed of.

Main case

The petitioner seeks regular bail in case FIR No.0162 dated
05.07.2022 under Sections 22(b) of Narcotic Drugs and Psychotropic
Substances Act, 1985 (Section 29 of NDPS Act added later) registered at
Police Station City Malout, Tehsil Malout, District Sri Muktsar Sahib.

Learned counsel for the petitioner contends that the alleged
recovery attributed to the petitioner is non-commercial in nature, which
pertains to 100 intoxicating tablets of Clovedol-100 SR. The large chunk of
recovery has been made not from the petitioner but from the brother of the
petitioner i.e. 17000 intoxicating tablets of same nature. He further contends
that the search of the petitioner was not conducted by the authorized person
as per the provisions of Sections 42/50 of the NDPS Act. Counsel seeks

parity with co-accused who has been granted regular bail by this Court vide order dated 09.11.2022 in CRM-M-50898-2022 (Tarsem Kumar vs. State of Punjab).

Notice of motion.

On the asking of the Court, Mr. Rajiv Verma, DAG Punjab accepts notice and submits that the petitioner does not deserve the concession of regular bail. In this case, challan has been filed on 21.08.2022.

Looking at the totality of facts and circumstances and in view of the fact that the conclusion of the trial is likely to take long time and the recovery is of non-commercial quantity, therefore, no fruitful purpose will be served by keeping the petitioner behind bars, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the CJM /Duty Magistrate, concerned.

The present petition is, therefore, allowed.

15.12.2022
V.Vishal

(Sandeep Moudgil)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No