

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-55848-2022

Date of decision : 14.12.2022

Sukhwinder Singh @ Bhindi

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. L.S. Sekhon, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

PANKAJ JAIN, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.120 dated 14.08.2022, registered for offence punishable under Sections 22/29 of NDPS Act at Police Station City-I Sangrur, District Sangrur.

2. Counsel for the petitioner submits that as per the FSL report, the contraband alleged to have been recovered from the petitioner does not fall within the ambit of commercial quantity as notified under the Act. The alleged contraband recovered from the petitioner is 30.5 gms which is far less than 100 gms, the commercial quantity. Investigation already stands completed and the report under Section 173 Cr.P.C. stands filed. All the witnesses are official and thus there cannot be any apprehension that the petitioner shall tamper with the evidence. The petitioner is in custody since 14.08.2022.

3. Mr. Cheema does not dispute the aforesaid factual assertions based on record.

4. I have heard counsel for the parties and have gone through the records of the case.

5. Keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands completed and there is no apprehension that the petitioner would tamper with the evidence, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

14.12.2022

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No