

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

**CRM-M-59304-2022
Date of decision : 23.12.2022**

Gurnam Singh **..... Petitioner**

versus

State of Punjab **..... Respondent**

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Kamal Narula, Advocate
for the petitioner.

Mr. Jaiteshwar Singh, AAG, 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.102 dated 19.07.2022, registered for the offence punishable under Section 22 of the NDPS Act (Section 29 of NDPS Act added later on) at Police Station Sadar Jalalabad, District Fazilka.

2. As per the allegation levelled in the FIR, the petitioner was nominated on the basis of disclosure made by one Darshan Singh from whom recovery of 500 intoxicating tablets were recovered. Thereafter, a recovery of 200 tablets was effected from the petitioner as well.

3. It is a case involving intermediate quantity. Admittedly, the same is less than the commercial and thus rigors of Section 37 of the Act will not be applicable. Challan already stands presented and majority of the witnesses are official thus, there is no apprehension that the petitioner shall tamper with the evidence. The petitioner is in custody since 20.07.2022 and there is no other case pending against the petitioner under NDPS Act.

4. Keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded, the present petition is allowed. The 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.

5. 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

23.12.2022

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No