

S. No.214

2024:PHHC:009496

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

CRM-M-25323 of 2023

Date of Decision:24.01.2024

Tarinder Singh @ Jarinder Singh @ BabluPetitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Aakashdeep S. Sidhu, Advocate
for the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail in case FIR No.0089 dated 08.12.2022 registered under Sections 22 (Section 22-C added vide order dated 13.09.2023) (Act No.61 of 1985) of the Narcotic Drugs and Psychotropic Substances Act, (for short, 'the NDPS Act') at Police Station City Kurali, District SAS Nagar (Mohali).

Additional affidavit of Shri Dharamvir Singh, PPS, Deputy Superintendent of Police, Sub Division Kharar-II, District SAS Nagar (Mohali) has already been received through Registry. Copy supplied.

As per prosecution allegations, on 08.12.2022, 920 tablets of intoxicating Lomotil were recovered from Scorpio Car occupied by the petitioner. As per the FSL report, the tablets had the salt of Diphenoxylate Hydrochloride with total weight of 59.52 grams which exceeds the commercial quantity as it starts from 50 grams.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated; that he is in custody for the last more than 01 year and 01

month; that he is not involved in any such case of NDPS Act; and that the trial is likely to take long time to conclude.

Learned State Counsel has opposed the bail petition by pointing out that the intoxicating material recovered from the petitioner is marginally higher than the commercial category and Section 37 of the NDPS Act bars the release of bail in such like cases. However, learned State Counsel concedes that out of 14 witnesses, cited by the prosecution, only one witness has been examined so far and, thus, trial is likely to take long time to conclude.

As per the custody certificate placed on record, petitioner is in custody for the last 01 year 01 month and 12 days with no other case pending against him under the NDPS Act.

Having regard to all the afore-said facts and circumstances, but without commenting on the merits of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

January 24, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No