

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29330-2019

Date of Decision: 17.07.2019

Shammi Kumar @ Aman

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Vijay K. Jindal, Advocate for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

...

Inderjit Singh, J. (Oral)

Petitioner Shammi Kumar @ Aman has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.226 dated 27.11.2018, registered at Police Station Islamabad, District Amritsar, under Sections 21/29 of the NDPS Act, 1985.

Notice of motion has been issued.

Learned State counsel appeared and contested the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

In the present case, 260 grams of heroin is stated to have been recovered. It is specifically mentioned in the FIR that heroin was weighed including the weight of polythene. Perusal of the FIR itself shows that this recovery may be non-commercial. More than 250 grams of heroin falls in commercial quantity and the weight of polythene has not been mentioned anywhere.

In these circumstances, the benefit is to be given to the petitioner for the bail purpose.

The petitioner is in custody for 8 months. He is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of the case may take long time. No useful purpose will be served by keeping him in custody till the final disposal of the case.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

However, it is made clear that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

17.07.2019
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No