

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-1415-2020 (O&M)
Date of Decision:- 12.11.2020

Gurlal Singh Alias Gora ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Parampreet Singh Bajwa, Advocate, for the petitioner.
Mr. Ajay Pal Singh Gill, DAG, Punjab.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.229, dated 3.9.2019, Police Station City, Tarn Taran, under Section 21/25/29 of NDPS Act.
2. As per the case of prosecution, the petitioner along with his co-accused Balwinder Singh found in possession of 'Heroin'. While the petitioner was found to be carrying 100 grams of 'Heroin', the co-

accused Balwinder Singh was found to be carrying 300 grams of 'Heroin'.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in any case even if the allegations as per FIR are accepted to be correct, he can only be attributed possession of a non-commercial quantity of contraband as there is nothing to show that he was aware about the contraband being carried by the co-accused.
4. Opposing the petition, learned State counsel has submitted that since both the accused including the petitioner were travelling together in a car, it is evident that they had both jointly committed the offence by possessing a total of 400 grams of 'Heroin' which would fall under the category of 'commercial quantity' and as such fetters imposed by Section 37 of NDPS Act would be attracted and thus he is disentitled for grant of bail.
5. I have considered rival submissions addressed before this Court. Admittedly, it is a case of recovery of 100 grams of 'Heroin' from the personal search of the petitioner while other 300 grams of 'Heroin' was recovered from the co-accused. It will be debatable as to whether the petitioner can be attributed conscious possession of the contraband carried by the other accused or not. In these circumstances and while noticing that the petitioner has been behind bars since the last more than 1 year and 2 months, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail

subject to his furnishing bail bonds to the satisfaction of learned trial
Court/Chief Judicial Magistrate/Duty Magistrate concerned.

November 12, 2020

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(GURVINDER SINGH GILL)

JUDGE

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No