

229 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1622-2020
Date of Decision: 22.01.2020

Iqbalpreet Singh @ Preet

... Petitioner

v/s

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ramandeep Singh Gill, Advocate for the petitioner.

Ms. Jasleen Kaur, AAG, Punjab assisted by
ASI Brijender.

* * *

VIVEK PURI, J. (ORAL)

Petitioner has prayed for grant of regular bail in case FIR No. 138 dated 10.10.2019, registered under Section 21 of NDPS Act, 1985 & Sections 25 and 27 of Arms Act, 1959 at Police Station Doraha, District Khanna.

Briefly the FIR was registered on the basis of secret information to the effect that petitioner along with Sukhwinder Singh @ Soni @ Boxer, Jasdeep Singh @ Koki, Vishal Kumar @ Kaka @ Bidi, Vicky, Bahadur Singh and Ramandeep Singh @ Sidhu @ Bhau indulged in the sale of heroin and carrying the same in a car. Accordingly, a naka was raised. Three of the accused namely Sukhwinder Singh @ Soni @ Boxer, Jasdeep Singh @ Koki and Vishal Kumar @ Kaka @ Bidi were apprehended and 260 gms of heroin along with a pistol .32 bore, two magazines with 10 live cartridges and one pistol .9 mm along with 6 live cartridges were recovered.

The arrest of the petitioner was effected on the following day i.e. 11.10.2019 and 6 gms of heroin was recovered from him.

It has been stated by learned counsel for the petitioner that although the name of the petitioner was mentioned in the FIR but his arrest was not effected at the spot. On the following day only 6 gms of heroin was recovered from him which is marginally above the small quantity. Furthermore, Bahadur Singh and Ramandeep Singh @ Sidhu @ Bhau who were named in the FIR but not apprehended at the spot, have been granted concession of pre-arrest bail by this Court in CRM-M-50309-2019 and CRM-M-47057-2019 respectively vide order dated 20.12.2019. Furthermore, the investigation of the case is complete. The custodial interrogation of the petitioner is over. He is remanded to judicial custody.

This factual position has not been disputed by learned State counsel. Although 260 gms of heroin was recovered from the co-accused but the petitioner was not apprehended with the said contraband along with arms and ammunition and the same were recovered from the co-accused. Significantly, the petitioner was not accompanying them. On the following day 6 gms of heroin has been recovered from him which falls in the category of less than commercial quantity and as such, stringent provisions of section 37 of NDPS Act may not come into play with regard to the imputation against the petitioner.

Considering the above and the fact that the trial is likely to consume some time, further detention of the petitioner may not be justified. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the

concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

22.01.2020

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No