

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

CRM-M-3640-2020 (O&M)

Date of Decision:- 14.2.2020

Sapinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Karanjeet Singh Brar, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.243, dated 5.10.2018, Police Station Samrala District Ludhiana, under Section 21 NDPS.
2. The case of the prosecution is that during the course of checking of suspicious elements, the police signaled a car to stop in which three persons were sitting namely the Hardeep Singh, Sapinder Singh (petitioner) and Jagtar Singh @ Jagga. Since it was suspected that the said persons were carrying some contraband an offer under Section 50 of NDPS Act was extended to them and thereafter upon

search of the petitioner, 400 grams of 'Herion' was recovered from the pocket of the trousers worn by Hardeep Singh, while 'Herion' weighing 300 grams each was recovered from the petitioner and Jagtar Singh @ Jagga.

3. Learned counsel submits that the petitioner has been falsely implicated in the present case and that in any case since Section 50 of NDPS Act has not been complied with in letter and spirit inasmuch as joint offer was extended and a joint consent memo was prepared, the entire recovery stands vitiated.
4. Opposing the petition, learned State counsel has submitted that since it is a case of recovery of commercial quantity, no case for grant of bail is made out.
5. Learned State counsel has however informed that it is indeed a case where a joint offer in terms of Section 50 of NDPS Act was extended to accused. It has further been informed that the petitioner has been behind bars since last 1 year and 4 months and that till date not even a single PW has been examined.
6. I have considered rival submissions addressed before this Court. It will certainly be debatable as to whether a joint offer as extended in the present case is valid or not. In any case, since the petitioner has already been behind bars since the last 1 year and 4 months and conclusion of trial, in its normal course, is likely to take some time as not even a single PW is examined, further detention of the petitioner is not justified.

7. The petition, as such, is accepted and it is ordered that petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

February 14, 2020

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No