

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

CRM-M-12646-2020

Date of Decision: 21.5.2020

Dilbar Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Aman Bansal, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab

RAJIV NARAIN RAINA, J. (Oral)

1. Case is taken up for hearing today through video conferencing due to pandemic of COVID-19.
2. This is the first petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner pending trial in case FIR No. 0007 dated 08.01.2020 under Sections 21/22 of the Narcotic Drugs & Psychotropic Substances Act, 1985, registered at Police Station Special Task Force Wing, SAS Nagar, Mohali.
3. Heard.
4. Notice of motion to the Advocate General, Punjab.
5. Mr. Ajay Pal Singh Gill, DAG, Punjab, appears on behalf of the State of Punjab.
6. Learned counsel for the petitioner contends that recovery of 180 grams heroin was effected from the petitioner, which is a non-commercial quantity. Commercial quantity is 250 grams. The Activa scooter used for the offence belongs to other co-accused. The petitioner

is in custody since 08.01.2020. No other case is pending against him. Learned counsel cites a decision dated 23.7.2013 of this Court in CRM-M-15230-2013 (Rakesh Kumar Vs. State of Punjab) to submit that the recovery from the co-accused can only be counted for the purpose of commercial and non-commercial quantity.

7. Learned counsel representing the State of Punjab has opposed application for bail and submits that while riding scooter, 180 grams heroin was recovered from the pocket of the petitioner and 520 grams from the scooter of the co-accused i.e. totaling 700 grams.

8. I have heard learned counsel for the parties and gone through the paper-book.

9. Having heard learned counsel for the parties and without any opinion on merits of the case, I am of the considered view that no useful purpose would be served by keeping the petitioner in jail. The petitioner is in judicial custody since 08.01.2020. It appears to be a fit and proper case for grant of bail pending trial.

10. In view of the above, this petition is allowed. The petitioner is directed to be released on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

(RAJIV NARAIN RAINA)
JUDGE

21.5.2020

monika

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*