

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(202)

CRM-M-16061-2020

Date of Decision: September 01, 2020

Sandeep Singh @ Sunny

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vikas Gupta, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

HARSIMRAN SINGH SETHI, J.(ORAL)

CRM-14077-2020

The application is allowed, as prayed for.

CRM-M-16061-2020

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in FIR No.24 dated 18.02.2020 under Sections 21 and 29 of the NDPS Act, 1985 registered at Police Station Jhabal, District Tarn Taran.

Learned counsel for the petitioner argues that even as per the FIR, 35 grams of heroin was recovered from the petitioner but the same has been made as a commercial quantity by adding the quantity of 265 grams, which has been recovered from co-accused Jugraj Singh. Learned counsel for the petitioner submits that the allegation that the petitioner had knowledge of the possession of 265 grams, recovered from Jugraj Singh, is only an allegation at this stage and yet to be proved and the recovery of 35

grams of heroin, which has been done from the petitioner, is not a commercial quantity, therefore, the petitioner is entitled for the grant of regular bail as he is already behind the bars since 18.02.2020.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that as the petitioner was sitting alongwith Jugraj Singh and therefore, it is presumed that the petitioner had the knowledge of the possession of 265 grams of heroin, which was recovered from co-accused Jugraj Singh. Learned counsel for the respondent-State further submits that though the challan has already been presented, the charges have yet to be framed and therefore, the benefit of bail may kindly be declined.

I have heard the learned counsel for the parties and have gone through the record with their able assistance.

It is an admitted fact that only 35 grams of heroin was recovered from the possession of the petitioner, which is a non-commercial quantity. The allegation with regard to the knowledge of 265 grams of heroin, which was recovered from co-accused Jugraj Singh, is yet to be proved in the Court of law.

As the challan has already been presented and the State counsel has conceded that there are no other cases pending against the petitioner, the petitioner has made out a case for the grant of regular bail.

Keeping in view the above, the petitioner has made out a case for the grant of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

September 01, 2020
harsha/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

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