

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

CRM-M-24904-2019 (O&M)

Date of Decision:- 8.1.2020

Surjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Subhash Chander, Advocate for
Mr. Sandeep Verma, Advocate for the petitioner.

Ms. Rashmi Attri, AAG, Punjab
assisted by ASI Gurpreet Singh.

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking grant of regular bail in a case registered against him vide FIR No.67 dated 27.3.2019 under Section 21 of NDPS Act at Police Station City Rajpura, District Patiala.
2. The allegations, as per FIR, are that on 27.3.2019, during the course of checking of vehicles, a vehicle bearing Registration No. HR-26-BP-9802 was signalled to stop but the driver of the vehicle instead of stopping the vehicle rammed the car into the barricades which had been raised. However, the car was chased and the said car got stuck in traffic jam. The two persons sitting in the car tried to escape by getting out of the car but were apprehended. Both the said persons are alleged to be carrying polythene bags. Upon checking the bag carried by driver of the car namely Surjit

Singh son of Ruldu Ram, it was found to contain 300 grams of heroin whereas the petitioner namely Surjit Singh son of Teja Singh was found to be carrying 200 grams of heroin in the polythene bag.

3. The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in any case the contraband allegedly found in possession of the petitioner falls in category of “non-commercial” quantity and as such, he is entitled for grant of bail.
4. The learned State counsel, while opposing the petition, has submitted that since it is a case where two persons sitting in the car were apprehended together and the total recovery effected from them works out to 500 grams of heroin, the same would fall within “commercial quantity” and as such no case for grant of bail is made out. It has, however, been informed that the petitioner already stands acquitted in FIR No.338 dated 12.7.2009 under Section 15 of NDPS Act.
5. I have considered the rival submissions addressed before this Court.
6. It will be debatable as to whether the petitioner can be attributed conscious possession in respect of the heroin recovered from his co-accused, which was found to be weighing 300 grams. The recovery effected from the petitioner from the polythene bag carried by him is of 200 grams of heroin, which would fall within the category of “non-commercial” category. The petitioner has been behind bars since the last more than 9 months. In these circumstances, further detention of the petitioner will not serve any useful purpose.

7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. It is, however, clarified that none of the observations made above shall be taken to be as any expression on merits of the main case.

8.1.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No