

CRM-M-659-2021

Date of Decision: 22.6.2021

Gurpreet Singh @ Gopi @ Kaka

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vipul Jindal, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, Deputy Advocate General, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

The present petition is filed under Section 439 Cr.P.C. seeking grant of regular bail in FIR No.126 dated 6.10.2020 registered under Sections 21, 22, 29 of NDPS Act, 1985 at Police Station Special Task Force, District STF Wing.

As per the allegations in the FIR, there is recovery of 255 grams of heroin from the petitioner. It has been contended that on the basis of the Chemical Examiner report, diacetylmorphine was found in the samples and it was confirmed that the contraband is heroin. However, the weight of the same is 255 grams.

Learned counsel for the petitioner contends that the weight of the contraband included the weight of the polythene bag and thus, it is marginally above the commercial quantity, which is 250 grams. He has further brought my attention to CRM-2612-2021 in which the petitioner has

prayed for interim bail as he is HIV+. Learned counsel for the petitioners has relied upon various orders granting concession of bail passed by the Coordinate Benches of this Court in the similar circumstances where the quantity is marginally above the commercial quantity.

Learned State counsel does not dispute that the factual position that the petitioner is HIV+ and he is already getting treatment for the same in Civil Hospital, Amritsar. He further states that the challan has been presented and there is no other case of similar nature pending against the petitioner. Learned State counsel informs that next date for framing the charges in this case is fixed for 22.7.2021.

In view of the peculiar facts and circumstances of the case, this Court is convinced that no useful purpose would be served by further keeping the petitioner behind the bar. As learned counsel for the petitioner has succeeded in making out the case for bail to the petitioner, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

22.6.2021
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No