

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.2654 of 2021 (O&M)
Date of Decision.12.02.2021
(Heard through VC)

Pritam Singh @ Peeta

...Petitioner

Vs

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Bhupinder Beniwal, AAG, Punjab.

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JAISHREE THAKUR J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.185 dated 13.10.2017 under Section 22 of the NDPS Act, 1985 registered at Police Station Mehatpur, District Jalandhar (Rural).

Counsel for the petitioner *inter alia* would contend that the alleged recovery effected from the petitioner is marginally higher than the non-commercial quantity. It is alleged that 110 grams intoxicant substance has been recovered from him, which is inclusive of the polythene bag, apart from arguing that the FIR itself would reflect that the police party was in private vehicle, which is in direct violation of the directions issued by the Government of Punjab regarding not using private vehicles in NDPS cases. In order to buttress his argument, he relies upon the decision rendered by this High Court in **Balbir Kaur @ Beero vs. State of Punjab** passed in CRM-M No.44907 of 2017 decided on 11.09.2018.

Learned counsel appearing for the respondent-State opposes the bail application by submitting that the petitioner herein is a habitual offender, however, he is not in a position to controvert the fact that the search party was in private vehicle as has been reflected in the FIR itself.

I have heard learned counsel for the parties and have perused the paper book.

Keeping in view the fact that alleged recovery of the contraband is marginally higher than the non-commercial quantity and that there is a contravention to the directions issued by the Government of Punjab for not using private vehicle for patrolling, coupled with the fact that the trial is likely to take some time to conclude, no useful purpose would be served in keeping the petitioner behind the bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/ surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

February 12, 2021

Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No