

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

**CRM No.M-9829 of 2021 (O&M)
Date of Decision: June 09, 2021**

Avtar Singh @ Manu Cheema

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Baldev Singh Mann, Advocate,
for the petitioner.

Ms.Samina Dhir, DAG, Punjab
for the respondent-State.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the
light of the pandemic COVID-19 situation

Petitioner has filed this petition under Section 439 Cr.P.C. for
grant of regular bail in case FIR No.393 dated 12.12.2018 under Section 22
of the NDPS Act (Section 25 of the Arms Act added later on), Police Station
Sahnawal, District Ludhiana.

Heard on the petition.

As per the version of the prosecution, in pursuance of the secret
information, from the possession of the petitioner, heroin to the extent of
270 grams was recovered.

Now, it is submitted by learned counsel for the petitioner that

extent of alleged recovery from the petitioner is marginally above the

commercial quantity. To so substantiate his claim, learned counsel for the petitioner has placed reliance upon the decisions rendered in *Manju vs. State of Punjab, 2015(9) RCR (Criminal) 41*, *Pargat Singh vs. State of Punjab, 2018 (2) Law Herald 058* and *Karambir vs. State of Haryana, 2020(1) RCR (Criminal) 766*.

Even custody certificate of the petitioner has been placed on record. However, learned State counsel has not disputed the factual assertions but she has opposed the grant of bail to the petitioner, as she contended that extent of recovery, so effected from the petitioner, falls under '**commercial quantity**'. Also, she has brought to the notice of this Court that challan has since been presented and trial is pending and out of cited 17 witnesses by the prosecution, 3 witnesses have already been examined.

Considering the quantity of the contraband recovered being marginally above the commercial quantity and the fact that conclusion of the trial is likely to take considerable time, on account of restricted working, due to Covid-19 pandemic, without expressing opinion on merits of the case, I deem it appropriate to grant regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

(ARCHANA PURI)
JUDGE

June 09, 2021
Vgulati

Whether speaking/reasoned
Whether reportable

Yes
Yes/No