

CRM-M-18775 of 2021

{1}

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

**CRM No.17265 of 2021 and
CRM No.17266 of 2021 in/and
CRM-M-18775 of 2021
Date of decision:07.07.2021**

Jatin Arora @ Jatin

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Dilpreet Singh Gandhi, Advocate
for the applicant-petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

**CRM No.17265 of 2021 and
CRM No.17266 of 2021**

For the reasons given in the applications, same are allowed.
The applicant-petitioner is permitted to amend para 13 of the petition and the amended petition is taken on record.

CRM-M-18775 of 2021

The petitioner is seeking regular bail in case FIR No.6 dated 05.01.2021 registered under Sections 21 and 29 of [Narcotic Drugs and Psychotropic Substances Act, 1985](#) (for short “NDPS Act”) at Police Station STF, SAS Nagar, Mohali.

As per the version of the prosecution, FIR (Annexure P-1) was

registered after Ajmer Singh and Jatin Arora @ Jatin (present petitioner) were searched on the basis of secret information and recovery of 260 grams of heroin was effected from the person of Ajmer Singh.

Counsel for the petitioner has contended that no recovery has been effected from the petitioner and he is not involved in any case under the NDPS Act. He submits that recovery effected from the co-accused is marginally above maximum limit of non-commercial quantity. He submits that investigation qua the petitioner is complete, challan has been presented and the petitioner, who is in custody since 05.01.2021 deserves to be enlarged on bail.

State Counsel does not dispute that there is no recovery from the petitioner but he has opposed the petition on the ground that the petitioner is involved in a case under the Arms Act, 1959, which is pending trial. Upon instructions from ASI Baljit Singh, he submits that challan has been presented on 28.04.2021, though charge is yet to be framed.

I have considered the submissions of the parties.

The contraband recovered from the co-accused is marginally above the threshold limit of non-commercial quantity as specified in the notification issued under the NDPS Act. Reliance can be placed upon the orders passed by this Court in ***Rajdev Giri Vs. State of Punjab***, CRM-M-44898-2019, decided on 18.09.2020; ***Rahish Vs. State of Haryana***, CRM-M-36498-2020, decided on 11.11.2020; ***Karambir Vs. State of Haryana***, CRM-M-31820-2019, decided on 28.08.2019; ***Jagjit Singh @Jagga Gill Vs. State of Punjab***, CRM-M-41242-2019, decided on 27.02.2020 and

Baljit Kaur @ Baljito Vs. State of Punjab, CRM-M-12849-2020, decided on 04.06.2020, wherein accused were enlarged on bail in cases where the alleged recovery was slightly more than the quantity prescribed for commercial category under the NDPS Act. Still further, it has not been disputed that the petitioner is not involved in any other case of dealing with intoxicating substance.

Keeping in view the above facts and circumstances, period of incarceration of the petitioner, nature of allegation, gravity of offence and the fact that the trial is likely to take time to conclude, no purpose would be served by keeping the petitioner behind bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

It is further clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

The petitioner will furnish an undertaking to the effect that henceforth, he will not indulge in any criminal activity and in case, he violates the undertaking, it will be open to the prosecution to seek cancellation of the bail.

(SUVIR SEHGAL)
JUDGE

July 07, 2021
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No