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

(Through Video-conferencing)

**CRM-M No.23562 of 2021(O&M)
Date of Decision: 17.09.2021**

Jasreet Singh @ Laddu

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. V.S. Chauhan, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.88 dated 24.12.2017 registered under Sections 21, 61, 85 of the NDPS Act at Police Station Sarai Amanat Khan, District Tarn Taran.

The FIR was lodged on the basis of secret information to the effect that Avtar Singh, Malkit Singh, Ranyog Singh @ Yoda, Jagteer Singh @ Sheera and the petitioner have made a gang for committing dacoity and robbery. They are also indulged in business of drug and also planning to execute robbery in the

ATM. If raid is conducted, they can be apprehended with weapons. A raid was conducted, petitioner was arrested. All other persons were also arrested from different directions. The present FIR relates to recovery effected from the petitioner under NDPS Act.

As per prosecution case, 270 grams of heroin was allegedly recovered from the petitioner.

Learned counsel for the petitioner submits that different FIRs have been registered against different persons in pursuance of their arrest arising out of the same secret information. The secret information was in respect of committing robbery. On the same very day, FIR No.86 dated 24.12.2017 was also registered for the offences under Sections 399, 402 IPC at Police Station Sarai Amanat Khan, Tarn Taran. Petitioner is in custody in the said case. Learned counsel further submits that the petitioner has been labeled as one of the conspirators in the said case, who was allegedly making planning to commit decoity. Recovery in the present case is marginally in excess of commercial quantity. Learned counsel refers to **Shinda Vs. State of Punjab, 2013(3) RCR (Criminal) 557** and **Lakhwinder Singh @ Bittu Vs. State of Punjab, 2012(22) RCR (Criminal) 301** in the context of recovery being marginally in excess of the quantity prescribed for commercial quantity.

Learned counsel further submits that the petitioner is in custody for the last about 3 years, 8 months and 20 days. Petitioner is not involved in any other NDPS case. The long custody of the petitioner in the present case itself is a ground for granting regular bail, particularly when the State is at variance in respect of status of the trial.

Learned counsel refers to **CRM-M No.20566 of 2019** titled '**Veeru vs State of Punjab**' decided on 19.11.2019, **CRM-M No.41779 of 2020** titled '**Gurpreet Singh vs State of Punjab**' decided on 17.12.2020, **CRM-M No.17481 of 2020** titled '**Mani Singh @ Maddi vs State of Punjab**' decided on 22.07.2020, **CRM-M No.25382 of 2020** titled '**Gurbaksh Singh vs State of Punjab**' decided on 02.09.2020 and submits that by virtue of long incarceration of the petitioner, petitioner is entitled for regular bail *de hors* the nature of quantity.

Learned State counsel, however opposed the bail on the ground that recovery is of commercial quantity and the trial is heading towards culmination. He on instructions from ASI Narinder Singh submits that out of total 10 prosecution witnesses, only 4 witnesses have been examined.

The lodging of FIR No.86 dated 24.12.2017 on the even date would remain debatable.

Since the petitioner is not involved in any other NDPS case, therefore, I deem it appropriate to enlarge the petitioner on regular bail without meaning anything on merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

17.09.2021

Prince

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No