

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

210

CRM-M-24616-2021

Date of Decision : July 06, 2021

RANJIT SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Angel Walia, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.40 dated 4.3.2021 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Samrala, Khanna, Ludhiana.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case only because of political enmity as the petitioner does not belong to the ruling party. He has submitted that the petitioner is not involved in any other case and while he was travelling from Ludhiana to Amritsar the present false case was planted upon him. He further submitted that the alleged recovery from the petitioner has been shown to be 52.8 grams of Spasmo, 26 grams of Lomotil and 50.4 grams of Alprasafer and all these are of category of

non-commercial quantity and therefore, he has not been hit by the bar contained under Section 37 of the NDPS Act. Learned counsel has submitted that the petitioner is in custody since 4.3.2021 and investigation of the case is already complete and no recovery is to be made from the petitioner. He has submitted that there are no bad antecedents of the petitioner as he is not involved in any other case and the trial would take long time and, therefore, he may be considered for grant of regular bail.

On the other hand, Mr. Thind, learned DAG Punjab has submitted that it is correct that the petitioner is in custody since 4.3.2021 and the investigation of the case is already complete and no recovery is to be made from the petitioner. However, he has further submitted that since three categories of contraband were recovered from the petitioner, the petitioner may not be considered for grant of regular bail. Although, all these recoveries do not fall in the commercial quantity.

I have heard the learned counsel for the parties.

The custody period of the petitioner is not in dispute. It is also not in dispute that the investigation of the case is already complete and the challan has already been presented. It is also not disputed by the learned State counsel that the petitioner is not involved in any other case. So far as the recoveries of different salts are concerned, all of them individually fall in the non-commercial quantity.

Furthermore it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with evidence or may flee from justice.

In view of the above and considering the totality of the circumstances of the present case, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.

July 06, 2021

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(JASGURPREET SINGH PURI)

JUDGE

Whether speaking/reasoned.

Whether Reportable.

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Yes/No

Yes/No