

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

CRM-M-24832-2021

Date of Decision: 29.07.2021

GURINDER SINGH @ GINDA

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present : Mr. Hardeep Singh Saini, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, AAG, Punjab
assisted by SI-Sukhwinder Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in a case FIR No.90 dated 04.05.2019 registered at Police Station- Haibowal, District Ludhiana under Sections 21, 27(a), and 29 of the NDPS Act.

2. As per the case of the prosecution, on 04.05.2019, the police during the course of checking, intercepted a car in which the petitioner alongwith Ravinder Singh Chawla and Karamjit, was travelling. A search of the car led to recovery of 150 grams of heroine, which was kept in the dash board of the car. It is further the case of the prosecution that subsequently on the basis of a disclosure statement made by Ravinder Singh Chawla, another 200 grams of heroin was recovered from his house.

3. The learned counsel for the petitioner has submitted that the contraband allegedly recovered in the first instance would fall in the category of 'non commercial' quantity and that the subsequent recovery, if any, on the basis of disclosure statement made by a co-accused and that too from the house of the co-accused cannot be attributed to the

petitioner in any manner.

4. Opposing the petition, learned State counsel has not disputed the fact that initial recovery effected from the car in which the petitioner was travelling i.e. 150 grams falls in the category 'non-commercial' quantity. As far as the other recovery effected at the instance of co-accused is concerned, it is certainly debatable as to whether the petitioner can be attributed conscious possession of the same or not. Learned counsel has, however, informed that the petitioner has been behind bars for a substantial period of more than 2 years and that the petitioner happens to be involved in one more case. Learned State counsel has further informed that as on date only 3 PWs have been partly examined out of cited 24 PWs.

5. I have considered the rival submissions addressed before this Court.

6. It is a case of initial recovery of 'non commercial' quantity of contraband i.e. 150 grams of heroin. It is certainly debatable as to whether the petitioner can be attributed conscious possession of recovery of 200 grams of heroin effected subsequently at the instance of co-accused from the house of co-accused. The petitioner has been behind bars since 2 years. The conclusion of trial is likely to consume time as only 3 PWs out of cited 24 PWs have been examined so far. As such further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. It is clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

29.07.2021

Ali

(GURVINDER SINGH GILL)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No