

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(Through Video Conferencing)

CRM-M-25292-2021

Date of Decision: 16.08.2021

ARUNPAL SINGH

.....Petitioner

V/s.

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present: Mr. Dushyant Rana, Advocate,
 for the petitioner.

 Mr. Luvinder Sofat, Assistant Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1908 for grant of regular bail to the petitioner in case FIR No. 357 dated 25.10.2020 lodged under Sections 21 and 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 and Section 25 of the Arms Act, registered at Police Station, Sohana, SAS Nagar (Mohali), Punjab.

Learned counsel for the petitioner contends that the petitioner is a man of clean antecedents and has been falsely implicated in the case in hand only because he happened to be the friend of the co-accused from whom recovery of 300 grams of heroin alongwith a pistol has been effected. He further submits that recovery of 55 grams of heroin in a polythene bag, which is a non-commercial quantity, has been shown to have been effected from the petitioner. He submits that the trial is unlikely to conclude in the near future as 15 prosecution witnesses remain to be examined. Hence, he be extended the concession of regular bail.

Per contra, learned State counsel, on instructions from SI Naib Singh, has not been able to controvert the factual aspects of the submissions made by the learned counsel for the petitioner and has submitted that there was a secret information received *qua* the co-accused and the petitioner in pursuance to which they both were apprehended and recovery of the contraband effected from them. It has been conceded that the recovery effected from the petitioner was of 55 grams of heroin which falls under the non-commercial quantity. He has also conceded that the petitioner is not involved in any other case, much less, in any case under the NDPS Act, 1985.

In view of the submissions made by learned counsel for the petitioner and the fact that the petitioner has been in custody since 25.10.2020, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic COVID-19. The present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

August 16, 2021

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

Whether speaking / reasoned : *Yes*

Whether Reportable : *Yes / No*