

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28500 of 2021
Date of Decision:06.10.2021

Harpal Singh @ Bhallo

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ranjodh Singh Sidhu, Advocate,
for the petitioner.

Mr. V.G. Jauhar, DAG, Punjab

AMOL RATTAN SINGH, J. (ORAL)

Vide this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 of the Cr.P.C., upon FIR no.29, dated 21.04.2021, having been registered at Police Station Dera Baba Nanak, District Batala, alleging therein the commission of offences punishable under Sections 21, 23, 25, 27(A), 29, 29(A) of the NDPS Act, 1985.

Learned counsel for the petitioner submits that though an allegation alleging therein the commission of an offence punishable under Section 27(A) of the NDPS Act, 1985, is also included in the FIR, however a bare reading thereof would not show the allegation actually substantiated, other than stating that one Surmukh Singh who was confined in jail, has links with Pakistani smugglers and smuggled a huge consignment of heroin from Pakistan and in that process his

brother Gulwinder Singh used to supply heroin at the places that his brother told him to.

A perusal of the FIR also shows that Gulwinder Singh was stated to have been sent by his brother alongwith other persons, including the petitioner, to the border area of Pakistan for that purpose.

Looking at the fact that 50 grams of heroin were stated to have been recovered from the car in which the petitioner was travelling, which is non-commercial quantity, whether or not any offence punishable under Section 27(A) of the NDPS Act, 1985 would seem to be substantiated qua the petitioner (Harpal Singh @ Bhallo), would seem slightly doubtful to this court (only in the context of the present petition); hence, even in terms of Section 37(1)(b)(ii) of the NDPS Act, 1985, the petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial court.

October 06, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No