

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

CRM-M-31257-2021

DECIDED ON: 21st September, 2021

Harpreet Singh @ Kaka

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Dinesh Nagar, Advocate for petitioner.

Ms. Monika Jalota, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition under Section 439 Cr.P.C. is filed seeking regular bail in case of FIR No.28 dated 21.4.2021, under Sections 22 and 29 NDPS Act, 1985, registered at Police Station Aur, District SBS Nagar.

Brief facts are that the police on 21.4.2021 while implementing night curfew due to Covid-19 checked a car bearing registration No.PB-32-J-4189. Car was being driven by Ranjit Singh @ Happy, co-occupant was Harpreet Singh alias Kaka (petitioner). There was recovery of 200 grams of Heroine from the conscious possession of the petitioner and 800 grams from the driver.

Learned counsel for the petitioner submits that the alleged recovery from the petitioner is of non-commercial quantity. Learned counsel further submits that investigation is complete, he has no criminal antecedents and is in custody since 21.4.2021.

Learned State counsel opposes the prayer for grant of bail and submits that the total recovery from both the accused is 1Kg and they were travelling in the same car. However, on instruction from ASI Balihar Singh learned State counsel submits that the petitioner is not involved in any other case under NDPS Act.

Considering the fact that from the conscious possession of the petitioner non-commercial quantity was recovered, he has no criminal antecedents, investigation is complete, no recovery is to be effected, challan stands presented and conclusion of trial is likely to take time, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove is only for the purpose of deciding the regular bail petition and shall not be construed as an expression of opinion on the merits of the case.

21st September, 2021

reema

(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>