

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

228

**CRM-M-32516 of 2021
Date of Decision:21.09.2021**

Gurjit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Harchand Singh Batth, Advocate,
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

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, Police District Batala, District Gurdaspur, alleging therein the commission of offences punishable under Sections 21, 23, 25, 27, 27-A, 29 of the NDPS Act, 1985.

Learned counsel for the petitioner submits that even the person driving the car from beneath the seat of which 50 gms. of heroin is alleged to have been recovered, has been admitted to bail by this court, on the ground that, all other things apart, the quantity so recovered is well below commercial quantity (which is above 250 gms.).

Upon query, learned State counsel submits that as per his instructions from ASI Jagtar Singh, Police Station Dera Baba Nanak, there is no other criminal case registered against the petitioner.

That being so, with the petitioner having been in custody for about 5 months, with the report under Section 173 of the Cr.P.C. still not have been submitted to the competent court, without making any comment on the actual merits of the case, 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, even in terms of the ratio of the judgment of the Supreme Court in Union of India vs. K.A. Najeeb (Criminal Appeal No. 98 of 2021), decided on 01.02.2021.

September 21, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes