

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-31383-2020****Date of Decision: 15.01.2021**

Som Nath @ Sonu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sandeep Arora, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASi Gurdial Heera.*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.158 dated 13.07.2017 at Police Station Sadar, District Jalandhar, under Section 22 of the NDPS Act.
2. The allegations in nutshell are that on 13.07.2017, the petitioner alongwith his co-accused Gurmeet Singh @ Sabi were found in possession of Buprenorphine and Pheniramine Maleate Avil Injections. While the co-accused was found to be carrying 65 injections (35 injections of Buprenorphine and 30 injections of Pheniramine Maleate Avil), the petitioner was found to be carrying 10 injections (5 injections of Buprenorphine and 5 injections of Pheniramine Maleate Avil).
3. The petitioner was ordered to be released on bail, but subsequently on account of his absence, his bail was cancelled and ultimately he

was declared a proclaimed offender by the trial Court vide order dated 05.11.2018. The petitioner came to be re-arrested on 03.08.2019 and ever since has been in custody i.e. for a period of more than 1 year and 5 months.

4. Learned counsel for the petitioner has submitted that it is a case of recovery of 'non commercial quantity' of the contraband from the personal search of the petitioner and that in these circumstances, the petitioner having undergone 1 year and 5 months after his re-arrest, he deserves to be released on bail.
5. Opposing the petition, learned State counsel has submitted that in view of the past conduct of the petitioner, wherein he was declared a proclaimed offender and the fact that he was earlier also involved in two other cases, no case for grant of bail is made out.
6. I have considered rival submissions addressed before this Court.
7. Keeping in view the fact that it is a case of recovery of 10 injections (5 injections of Buprenorphine and 5 injections of Pheniramine Maleate Avil) from the personal search of the petitioner, it will be debatable as to whether he can be attributed conscious possession of the contraband recovered from his co-accused. No doubt, the petitioner was declared a proclaimed offender, but as of now after his re-arrest, he has been behind bars since the last about 1 year and 5 months, which according to the opinion of this Court, would serve a sufficient deterrent for him to be more careful in future. In these circumstances, no useful purpose will be served by further detaining the petitioner behind bars, as the conclusion of trial will take some time. 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.

15.01.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**