

CRM-M-37699-2021

Date of Decision: 25.11.2021

Sarmukh Singh @ Prince

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Vijay K. Jindal, Advocate,
for the petitioner.

Mr. M.S. Nagra, A.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

This petition has been filed under the provisions of Section 439 of the Cr.P.C., for grant of 'regular bail' to the petitioner in the context of FIR No. 29, dated 21.04.2021, registered at Police Station Dera Baba Nanak, Police District Batala, for the alleged commission of offences punishable under the provisions of Sections 21/23/25/27(A)/29 of the NDPS Act, 1985.

Learned counsel for the petitioner points to the order passed by this court in CRM-M-22341-2021, on 29.06.2021, in the case of his co-accused Gulwinder Singh @ Galwinder Singh, admitting that person to bail, on the ground that 50 grams of heroin (non-commercial quantity), were shown to have been recovered not from the car in which that person was allegedly travelling but from beneath the drivers' seat of the other car which is stated to have also been stopped alongwith.

It is seen that in fact another co-accused, i.e. Mandeep Singh, was also admitted to bail by this court, vide an order passed on 06.08.2021 in CRM-M-30339-2021, essentially on the ground that the recovery of the contraband in question was well below commercial quantity (which is above 250 grams).

That being so, with the petitioner having been in custody for about 05 months now, though learned State counsel submits that there is another case under the provisions of the NDPS Act also registered against him, on the same ground, that the quantity alleged to have been recovered from his co-accused is well below commercial quantity and there also being a doubt in the mind of this court (wholly for the purpose of this petition only), as to his involvement with him not being present at the spot, in view of the provisions of Section 37 (1) (b) (ii) of the NDPS Act, 1985, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Duty Magistrate/Chief Judicial Magistrate concerned.

November 25, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.