

238.

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

CRM-M-41770-2021

Date of Decision: 08.11.2021

RAVINDER SINGH

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Arihant Goyal, Advocate,
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR.J (Oral)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.0052, dated 01.07.2020, registered under Sections 21 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “the NDPS Act”) at Police Station Thulliwal, District Barnala.

The aforesaid FIR has been registered with the allegation that when a car was checked on suspicion, 280 grams of Heroin (chitta) was recovered from the mat of the rear seat along with one piece of paper laced with Heroin and one pipe made with a currency note of Rs.10, besides a lighter. The car was being driven by co-accused-Hardeep Singh and had four occupants including the petitioner.

Counsel for the petitioner would contend that the petitioner has been falsely implicated in the said case. The investigation is complete and the challan has been presented on 17.11.2020. Petitioner is in custody since 01.07.2020 and the charges are yet to be framed and as such, he is facing incarceration for the last more than one year. He further submits that the co-accused Harpreet Singh has already been granted regular bail by this Court vide order dated 01.07.2021 passed in ***CRM-M-349-2021*** titled as ***Harpreet Singh Versus State of Punjab***.

Per Contra, learned State counsel submits that the petitioner was travelling in the car from which the contraband, which falls within the ambit of commercial quantity was recovered. As per her instructions, all the four accused have been arrested, the final report under Section 173 of the Code of Criminal Procedure, 1973 has been filed on 17.11.2020, but the charge is yet to be framed.

I have heard learned counsel for the parties.

The contraband recovered from the petitioner is marginally above the threshold of non-commercial quantity as specified in the notification issued under the Act.

Keeping in view the fact that the co-accused Harpreet Singh has been granted regular bail by this Court vide order dated 01.07.2021 in which order this Court has discussed various judgments i.e. ***Rajdev Giri Vs. State of Punjab***, CRM-M- 44898-2019, decided on 18.09.2020; ***Rahish Vs. State of Haryana***, CRM-M-36498-2020, decided on 11.11.2020; ***Karambir Vs.***

State of Haryana, CRM-M-31820-2019, decided on 28.08.2019; *Jagjit Singh @ Jagga Gill Vs. State of Punjab*, CRM-M-41242-2019, decided on 27.02.2020 and *Baljit Kaur @ Baljito Vs. State of Punjab*, CRM-M-12849-2020, decided on 04.06.2020, wherein the accused were enlarged on bail in cases where the alleged recovery was slightly more than the quantity prescribed for commercial category under the Act, this Court deems it appropriate to release the petitioner on bail.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

While being released on bail, the petitioner shall furnish an undertaking to the effect that he shall not indulge in any criminal activity. In case, he violates the undertaking, it shall be open to the prosecution to seek cancellation of bail.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(JAISHREE THAKUR)
JUDGE

08.11.2021

sanjeev

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No