

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

Sr. No.217

CRM-M-36776-2020

Date of decision: 12.01.2021

Karanjit Singh @ Karan @ Jass

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.217 dated 19.07.2020 registered under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sultanpur Lodhi, District Kapurthala.

Briefly stated, the case of the prosecution is that the petitioner while going on his motorcycle was found to carry a polythene bag containing 270 grams of heroin.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case; the case of the prosecution is highly improbable that the petitioner was carrying heroin in a polythene bag; there is no recovery from the person of the petitioner; the petitioner has been in custody since 19.07.2020; there is no other criminal case in which the petitioner is involved; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the alleged recovery from the petitioner is marginally higher than the prescribed non-commercial quantity; the report under Section 173 Cr.P.C. has already been filed, therefore the petitioner is not in a position to influence the investigation and that the trial which is yet to begin is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Learned State counsel admits to the fact that the petitioner is not involved in any other criminal case and that the report under Section 173 Cr.P.C. has already been filed but opposes the grant of bail to the petitioner on the ground that if he is released on bail he may indulge in similar offences.

Whether the recovery from a polythene bag allegedly being carried by the petitioner would be considered recovery from the person of the petitioner would be debated during the course of the trial. However, the petitioner has been in custody since 19.07.2020; there is no other criminal case in which the petitioner is involved; report under Section 173 Cr.P.C. has already been filed, therefore the petitioner is not in a position to influence the investigation; the alleged recovery from the petitioner is marginally higher than the prescribed non-commercial quantity and the trial which is yet to begin is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Kapurthala, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

January 12, 2021

Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No