

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.226

CRM-M-848-2022

Date of decision: 08.02.2022

Gaurav Singh @ Gora

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. S.P.S. Khaira, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

The matter has been 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.09 dated 08.01.2021 registered under Sections 21/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – NDPS Act) at Police Station Special Task Force, District STF, Wing, Punjab.

The petitioner is being prosecuted for having been found in illegal possession of 10 grams of heroin.

Learned counsel for the petitioner contends that the petitioner, who is a 24 year old boy, has been falsely implicated in this case; there is no other criminal case in which the petitioner is involved; investigation in the case is complete; the petitioner is in custody since 10.01.2021; even if the case of the prosecution is accepted as the gospel truth, though vehemently denied, 10 grams of heroin has been recovered from the petitioner which is not classified as commercial quantity and is slightly higher than small quantity under the NDPS Act and since the petitioner's trial is yet to begin, it will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner was found in illegal possession of 10 grams of heroin and that if he is released on bail he may indulge in similar offences.

The petitioner has been in custody for nearly 01 year and 01 month; there is no other criminal case in which the petitioner is involved; investigation in the case is complete; the alleged recovery from the petitioner is not classified as commercial quantity and is slightly more than “small” quantity and that since the petitioner's trial is yet to begin, it is likely to take a long time to conclude.

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, Ludhiana, 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.

It is further clarified that while on bail if the petitioner is found indulging in any other criminal activity it shall be open to the State to seek cancellation of the bail granted to him through this order, in accordance with law.

February 08, 2022
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No