

227 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-5415-2022

Decided on: 15th February, 2022

Harjit Singh @ Jeeta

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Dinesh Nagar, Advocate for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

1. Due to COVID-19 situation, the Court is convened through video conference.
2. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 0183, dated 09.11.2021, under Sections 21, 25, 29, 61 of NDPS Act, 1985, registered at Police Station Sadar, District Jalandhar.
3. Police party acted upon a secret information and on 9.11.2021 apprehended four accused namely Navdeep Kumar, Joga Singh, Amit Kumar and Harjit Singh @ jeeta(petitioner) on a road leading to village Diwali towards Jandiala. Recovery of twenty gram of Heroin from Navdeep Kumar, five hundred gram from Joga Singh, five hundred gram from Amit Kumar and twenty gram from the petitioner was made.
4. Learned counsel for the petitioner submits that petitioner is in custody since 9.11.2021 but the FSL report is yet to be received. Submission is that no recovery is to be made from the petitioner, he is not involved in any other case, co-accused was granted bail by this Court and

recovery from the petitioner is non commercial quantity.

5. Learned State counsel opposes the prayer for grant of regular bail and submits that from the four accused total one kilogram forty gram of Heroin was recovered. He on instructions is not in a position to dispute the fact that petitioner is not involved in any other case and FSL report is yet to be received.

6. Without commenting upon the merits of the case, considering that recovery made from the conscious possession of petitioner was of a non-commercial quantity, co-accused was granted bail by this Court, petitioner has no criminal antecedents and conclusion of the trial and investigation is likely to take time, petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

15th February, 2022

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No