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

CRM-M-6313-2022

Date of Decision: 06.04.2022

Saleem

..... Petitioner

Versus

U.T. Chandigarh

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Parvez Chaudhary, Advocate for
Mr. Rahil Mahajan, Advocate,
for the petitioner.

Mr. Amit Kumar Goyal, APP, U.T., Chandigarh.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.151 dated 06.12.2021, under Section 21 of the N.D.P.S. Act, 1985, registered at Police Station Mauli Jagran, Chandigarh.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 10.12.2021 and as per the allegations, there was a recovery of 12.43 grams of *Heroin* from the petitioner. He further submitted that the petitioner has been falsely implicated in the present case and recovery has been planted upon him. He also submitted that the aforesaid quantity does not fall under commercial quantity and the petitioner has never been involved in such kind of cases and there is no other case against the petitioner pertaining to the N.D.P.S. Act. He further submitted that the investigation of the case has already been completed and even two

prosecution witnesses have also been examined and it is yet to be determined during the course of trial as to whether any recovery was effected from the petitioner or not. He also submitted that there are two other cases against the petitioner one pertains to Section 323 of the IPC in which he is already on bail and another case is under the Public Premises Act and therefore, involvement of the petitioner in the aforesaid two cases cannot become a ground for denial of the bail to the petitioner.

On the other hand, Mr. Amit Kumar Goyal, learned A.P.P., U.T., Chandigarh, has submitted that it is correct that the petitioner is in custody, since 10.12.2021 and the investigation of the case has been completed and no recovery is to be effected from the petitioner. He further submitted that two prosecution witnesses have already been examined and the present confiscated quantity does not fall in the category of commercial quantity. He also submitted, on instructions from S.I. Jeevan Lal, that the petitioner is not involved in any other case pertaining to the N.D.P.S. Act.

I have heard the learned counsel for the parties.

The petitioner is in custody, since 10.12.2021 and the investigation of the case has been completed and the recovery does not fall in the category of commercial quantity. Admittedly, the petitioner is not involved in any other case under the N.D.P.S. Act and the trial of the case would take long time, therefore, considering the totality of the circumstances of the case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the

satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

06.04.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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