

213 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-7022-2022

Decided on: 23rd February, 2022

Amritpal Singh @ Amrit

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ranjodh Singh Sidhu, Advocate for the petitioner.
Mr. Amit Mehta, Senior Deputy Advocate General, Punjab.

AVNEESH JHINGAN, J (Oral):

1. Due to COVID-19 situation, the Court is convened through video conference.
2. This second petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 167, dated 5th August, 2021, under Sections 21 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered at Police Station Goindwal Sahib, District Tarn Taran.
3. As per the case set up, on 5th August, 2021, police party had laid a naaka and apprehended Narinder Singh and Amritpal Singh @ Amrit (petitioner) while riding on a motorcycle. On seeing the police party, the accused had thrown one envelope each and from the envelope thrown by the petitioner, 155 grams of *Heroin* was recovered.
4. Learned counsel for the petitioner submits that it is a case of false implication due to petitioner's involvement in the earlier FIR under the Act. He further submits that recovery from the allegedly thrown envelope by the petitioner is non-commercial quantity and after withdrawal of the

earlier bail petition now investigation is complete and challan stands presented.

5. Learned State counsel opposes the prayer for grant of regular bail and submits that if recovery from the both of the accused is considered that it falls under the commercial quantity, petitioner is involved in one case under the Act. He further submits that accused were having knowledge of carrying contraband.

6. Without commenting upon the merits of the case, considering the quantity of recovery attributed to the petitioner, custody period and the fact that though investigation is complete, conclusion of trial 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

23rd February, 2022

Parveen Sharma

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