

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

Date of decision : 05.05.2022

1. CRM-M-16560-2021 (O&M)

Karanbir Singh @ Karan

....Petitioner

Vs.

State of Punjab

...Respondent

2. CRM-M-49292-2021

Harmanbir Singh @ Harman

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. G.S.Bajwa Advocate for the petitioner.
in CRM-M-16560-2021.

Mr. Mukesh Kumar Bhatnagar, Advocate for the petitioner.
in CRM-M-49292-2021.

Mr. Dhruv Dayal, Sr.DAG., Punjab.

MANOJ BAJAJ, J.

Petitioners have filed these separate petitions under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.137 dated 20.10.2020 under Sections 21, 25 and 29 Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station STF, District SAS Nagar, Mohali, who were arrested on 20.10.2020.

The allegations in the FIR as noticed by the learned

Additional Sessions Judge, Amritsar, in the order dated 24.02.2021 are as under:-

“From the perusal of the police file I find that on the basis of a secret information case was registered against Sunil Kumar @ Sonu, Karanbir Singh @ Karan, Harmanbir Singh @ Harman and Ishant Kumar @ Ishu with the allegations that they were indulged in the smuggling of heroin. On a secret naka, applicant Karanbir Singh @ Karan, Harmanbir Singh @ Harman and Ishant Kumar @ Ishu came on i20 Car bearing 4 No.PB03-AS-8463 and on the search of said car 262 Gram heroin was recovered kept under the left seat of said car.”

Learned counsel for the petitioners have argued that as per prosecution, 262 grams of heroin was recovered from the adjoining seat of the driver's seat, which was weighed along with the polythene in which it was wrapped, thus assuming the weight of the polythene to be 14-15 grams, the recovered contraband would fall below the commercial quantity. It is also pointed out that the petitioners are not owners of the motorcycle, which was found parked by the side of the car. It is further submitted that petitioners are not involved in any other case of similar nature. According to them, the investigation of the case is complete, as the challan stands filed on 24.02.2021, but the charges are yet to be framed, therefore, considering the custodial period of the petitioners, they be released on regular bail.

Learned State counsel who is assisted by ASI Suram Singh, has opposed the prayer and argued that the quantity recovered from the

petitioners falls within the ambit of commercial quantity, therefore, they do not deserve the concession of regular bail, however, it is not disputed that the charges are yet to be framed. He has produced the custody certificate which reveals that petitioner-Karanbir Singh is not involved in any other case, but petitioner-Harmanbir Singh is involved in four other cases and is on bail in all those cases.

After hearing learned counsel for the parties, considering above background as the nature and quantity of the contraband, this Court is not inclined to extend the concession of regular bail to the petitioners. Resultantly, without meaning any expression of opinion on the merits of the case, no case is made out for releasing the petitioners on regular bail.

Petitions are dismissed.

05.05.2022

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**(MANOJ BAJAJ)
JUDGE**

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No