

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

214

**CRM-M-16466-2022
Date of decision: 27.04.2022**

PRABHJODH SINGH @ SONU @ PRABJOT SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Vaibhav Narang, Advocate
for the petitioner.

Ms. A.K. Khurana, DAG, Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 by the petitioner for seeking concession of regular bail in case bearing FIR No. 12 dated 19.01.2022, registered under Sections 21-C of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Gate Hakima, District Police Commissionerate Amritsar.

2. Learned counsel appearing on behalf of the petitioner has pointed out that the FIR in question had been registered on the basis of a secret information wherein the petitioner and his brother Gurjodh Singh @ Jodha are alleged to be involved in the trade of Narcotics. It is contended that in pursuant to the Nakabandi done by the prosecution, the petitioner as well as his brother were apprehended by the Police. As per the report submitted by the Police at the time of consideration of

bail application before the learned Judge, Special Court, it was pointed out that recovery of Narcotic drug was effected upon the personal search of the person sitting on the rear seat of the motorcycle namely Gurjodh Singh @ Jodha . He submits that the recovery of 270 grams of heroin has been effected from co-accused and not from the petitioner. He further submits that there is no other case against the petitioner and he has clean antecedents. It is further pointed out that the FSL report with respect to content of the material contraband seized by the Police is yet to be received and it is also to be determined as to the whether the accused kept Heroin or not as is alleged by the prosecution.

3. Ms. A.K. Khurana, DAG, Punjab submits that the recovery of 270 grams of contraband has been effected by the police from the co-accused Gurjodh Singh @ Jodha and that the same being a commercial quantity, the accused do not deserve the concession of bail. Learned State counsel is however not able to controvert the fact that the recovery in question was not effected from the person of the petitioner. There is also nothing on record to suggest that the petitioner was in conspiracy with the said co-accused. It is also not controverted that there are no criminal antecedents of the petitioner and/or that the petitioner is involved in any other case of such a similar nature. The investigation is still at the initial stages and final report in the case has not been filed yet.

4. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

5. Taking into consideration, there is no compelling or strong

reason to assume that the petitioner is a habitual offender or is likely to indulge in commission of any such similar offence in case concession of bail is granted to him, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

6. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

7. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

8. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

APRIL 27, 2022
vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No