

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

207

**CRM-M-17125-2022
Decided on : 29.08.2022**

Ranjeet Singh @ Rana

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Rakesh Gupta, Advocate
for the petitioner(s).

Mr. A.S. Sandhu, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner – Ranjeet Singh @ Rana, who has been booked for having committed the offence punishable under Section 21 of the NDPS Act, 1985, in FIR No. 26, dated 01.02.2022, registered at Police Station Special Task Force Wing, Phase IV, District SAS Nagar (Mohali) (Annexure P-1).

At the outset, learned State counsel has filed the custody certificate dated 28.04.2022 in Court today. Same is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

Learned counsel for the petitioner submits that as per the custody certificate, if period of undergone is to be counted, same would be more than six months period inside jail. On the basis of the copy of the custody certificate, counsel for the petitioner argues that as per the custody

certificate, there is no case of any nature registered against the petitioner except the present one. In the present case, recovery of 260 grams of heroin has been recovered from the pocket of the pant worn by the petitioner. Apart this, from the dashboard of the car an amount of Rs.7,10,000/- was also shown to be recovered.

Learned counsel for the petitioner further submits that 260 grams of heroin has also been recovered from the co-accused Karamjeet Singh @ Preet also. Therefore, petitioner cannot be alleged to have committed whole of the quantify recovered, except of 260 grams of heroin recovered from his pocket. He further submits that 250 grams of heroin falls within the parameters of non-commercial quantity and the recovered quantity is marginally above to the non-commercial quantity as per the provisions of NDPS Act. He further submits that there are fairly arguable points during the course of the trial showing the innocence of the petitioner. He further submits that further incarceration of the petitioner is not worth in this case.

Per contra, learned State counsel submits that though quantity may be marginal above to the non-commercial quantity, but bar of Section 37 of NDPS Act would still will be applicable in the case of the petitioner, therefore, he is not entitled for the concession of bail.

After hearing both the sides and perusing the record with their able assistance, I find that there is some substance in the contentions raised by the counsel for the petitioner, as petitioner, who is stated to be age of around 30 years, no case has ever been registered against him except the present one. Quantity recovered from his possession, is marginal above to the non-commercial quantity and he is already inside jail since 14.02.2022.

On inquiry, learned State counsel, after seeking instructions from SI Paramjit Singh, submits that there are total 16 prosecution witnesses and none of them has been examined so far. On further inquiry, learned State counsel submits that there is no private witnesses in this case.

In view of the aforementioned facts and circumstances of the case and the submissions made by the parties, the present petition is allowed. The petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Illaqua Magistrate/Duty Magistrate concerned, if not required in any other case.

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.

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 evidence available on record.

(SANJAY VASHISTH)
JUDGE

August 29, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*