

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

**CRM-M No.22788 of 2022
Date of Decision:- 27.05.2022**

Lovepreet Singh @ Love

....Petitioner

Vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Sarveh Kumar Gupta, Advocate
for the petitioner.

KARAMJIT SINGH, J.(Oral)

Prayer is for grant of regular bail in case having FIR
No.61 dated 08.04.2022 registered under Sections 21, 22, 25, 29
NDPS Act and 25 Arms Act at Police Station City District Tarn Taran,
Punjab.

On asking of the Court, Mr. Rakeshminder Singh Sidhu,
AAG, Punjab, having advance notice, has appeared on behalf of State
of Punjab.

As per the allegations appearing on the record, the police received secret information against petitioner and his companions who at the relevant time, were moving in car No.PB10-BV-0076 carrying drugs and weapons. Accordingly, the pickting was done and the aforesaid car was apprehended in which petitioner and Mandeep Singh were travelling. On the personal search of petitioner one countrymade .32 bore pistol and three live cartridges of the same bore were recovered by the police. That on the personal search of co-accused Mandeep Singh, 1000 tablets of medical intoxicants were recovered from 'Parna' which he had tied around his waist.

The counsel for the petitioner contends that the petitioner was arrested on 8.4.2022 and no contraband was recovered from his possession. The counsel further contends that only afore stated fire arm and cartridges were stated to be recovered from the petitioner. The counsel further contends that the petitioner is having no criminal history. The counsel further contends that the petitioner at the most could be charged under Section 25 of Arms Act, which is triable by the Court of Judicial Magistrate 1st Class. The counsel further contends that in view of the matter, the petitioner is entitled to grant of regular bail.

The State counsel has contested the present petition on the ground that commercial quantity of contraband was recovered from the possession of the co-accused Mandeep Singh. The State counsel however, has not disputed the fact that the aforesaid

contraband was recovered only on the personal search of said accused and that only one fire-arm and three cartridges were recovered from the possession of petitioner. Even the fact that the petitioner is not involved in any other criminal case, has not been refuted by the State counsel.

In view of the above, as the strict provisions of NDPS Act are not apparently applicable to the petitioner who was found to be in possession of countrymade pistol and three cartridges, no purpose is going to be served by keeping him in custody for any longer period.

Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the Trial Court/CJM/Duty Magistrate concerned.

27.05.2022

P. Chawla

**(KARAMJIT SINGH)
JUDGE**

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No