

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-28539-2022

Date of Decision: 12.7.2022

Amit Singla

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sapan Dhir, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.93 dated 3.4.2020 registered for the offences punishable under Sections 21, 61, 85 of NDPS Act at Police Station Zirakpur, District SAS Nagar.

Counsel for the petitioner contends that the petitioner who is working as ETT Teacher, has been falsely implicated in the present case; that as per allegations recorded in the FIR, 7 bottles having mark “Codeine Phosphate and Chlorpheniramine Maleate Syrupe 100 ML” were recovered from the car which was driven by the petitioner on 2.4.2020. Counsel further contends that after completion of investigation, the police has already presented the challan and presently, the petitioner is lodged in judicial custody. He further contends that as per report of FSL, aforesaid recovery falls under non-commercial quantity as per provisions of NDPS Act.

Present petition is opposed by the State counsel who submits that the trial is going on. However, on instructions from ASI Nirmal Singh, State counsel has not disputed the fact that the aforesaid recovery comes under non-commercial quantity of contraband as per the provisions of the NDPS Act. State counsel has also not refuted the custody period of the petitioner.

As the present case is covered under non-commercial quantity of contraband as per provisions of NDPS Act, rigors of Section 37(1)(b) of the NDPS Act are not applicable to the case in hand. Admittedly, after completion of investigation, challan has been presented and trial is under progress but it will take considerable time for the trial to conclude. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, 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 bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

July 12, 2022

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No