

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

**CRM-M-38122 of 2022 (O&M)
Date of decision : 31.08.2022**

Harmandeep Singh @ Harman Gill Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :-Mr. P.S.Sekhon, Advocate for the petitioner.

Mr. Gurdarshan Singh Sidhu, Asstt. A.G., Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.199 dated 23.05.2021 registered under Sections 18, 21, 27 and 29 of the NDPS Act, 1985 at Police Station City Kharar District SAS Nagar, Mohali.

Counsel for the petitioner submits that no recovery of any contraband has been made from the petitioner. The allegations levelled against him are pertaining to alleged smuggling of opium and heroin and transfer of money through Hawala. Petitioner is in custody since 29.04.2022. Challan already stands presented.

Learned State counsel while opposing the bail submits that there are 5 more FIRs against the petitioner. He being a habitual offender is not entitled to grant for concession of regular bail.

I have heard learned counsel for the parties and have carefully gone through the record of the case.

Admittedly, no contraband has been recovered from the petitioner thus bar under Section 37 NDPS will not be applicable. The only recovery that is alleged to have been made from the petitioner is seven live cartridges of 32 bore. There is no evidence with respect to sending money as alleged. Petitioner is in custody since 29.04.2022. Challan already stands presented. There is no apprehension that the petitioner will tamper with the evidence.

Without commenting on the merits of the case, the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

Needless to say anything recorded herein shall not be construed as an expression of opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

31.08.2022

Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes
No