

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

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**CRM-M-39060-2022  
Decided on : 05.09.2022**

Sandeep Singh alias Sonu

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

PRESENT: Mr. Rishu Mahajan, Advocate  
for the petitioner(s).

Mr. J.S. Arora, DAG, Punjab.

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**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 – Sandeep Singh alias Sonu, who has been booked for having committed the offences punishable under Section 21 of the NDPS Act, 1985, in FIR No. 84, dated 01.07.2022, registered at Police Station Sadar Ahmedgarh, District Malerkotla.

At the outset, learned State counsel has filed the photocopy of the custody certificate dated 05.09.2022 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 it is a case where recovery of 250 grams of heroin has been effected from the petitioner. As per submissions of learned counsel for the petitioner, recovery of the said contraband is non-commercial and as per the custody certificate filed by the

learned State counsel in Court today, no other case is registered against the petitioner.

He further submits that learned Court below has failed in considering the totality of circumstances and no weightage has been given to the fact that petitioner is not involved in any other case including under the 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.

On the other hand, learned State counsel while opposing the submissions made by learned counsel for the petitioner submits that offence under the NDPS Act, is serious offence. Even though the quantity of contraband falls under the non-commercial category, 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 considering the submissions of both the sides, and the totality of circumstances, 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. Petitioner, who is aged around 32 years, and no other case has ever been registered against him except the present one. Quantity recovered from his possession, is non-commercial quantity and he is already inside jail since 04.07.2022.

In view of the aforementioned facts and circumstances of the case and the submissions made by the parties, the present petition is allowed. 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/ Illaqa 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**

**September 05, 2022**

*J.Ram*

*Whether speaking/reasoned:*      *Yes/No*

*Whether Reportable:*              *Yes/No*