

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

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CRM-M-41786-2022
Date of decision : 29.11.2022

Davinder Singh

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Sukhbir Maandi, Advocate for
Mr. Amritpal Singh Gill, Advocate for the petitioner.

Mr. Jaspal Singh Guru, Asstt. A.G., Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.150 dated 08.07.2022 registered under Section 21(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Special Task Force, STF Wing, Punjab (Police Station City Malout, District Sri Muktsar Sahib).

Brief facts of the case are that on 08.07.2022, when the police party headed by ASI Kulbir Singh doing patrolling duty in the area of Bus Stand, Malout, they saw the petitioner sitting under a tree in the vacant area. On seeing the police party, the petitioner tried to run away from the spot after throwing his polythene bag. The police apprehended the petitioner and on search 50 grams of heroin was recovered from the polythene bag thrown by him.

Learned Counsel for the petitioner has argued that the

petitioner has been falsely implicated in the case. The alleged recovery of heroin was made from the transparent polythene bag on the ground and not from the petitioner. Even otherwise the quantity of recovered contraband falls under the category of non-commercial quantity. The petitioner is in custody since 08.07.2022. Trial is likely to take time and no purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has opposed the present petition in terms of reply dated 14.10.2022 filed by way of an affidavit of Sh.Paramjit Singh, PPS Deputy Superintendent of Police, Special Task Force, Bathinda Range, Bathinda and submits that the petitioner is also involved in 02 other cases under the NDPS Act.

Custody certificate dated 26.11.2022 has been filed by learned State counsel in the Court today which is taken on record. As per the custody certificate, the petitioner is in custody from last more than 04 months. The petitioner is involved in 02 other cases under the NDPS Act, however, he is on bail in both the cases.

I have heard learned counsel for the parties and gone through the paper-book.

Keeping in view the facts and circumstances of the case, custody period of the petitioner, particularly the fact that the quantity of contraband allegedly recovered from the petitioner falls under the category of non-commercial quantity and also the fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and petitioner-Davinder Singh is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

State will be at liberty to file application for cancellation of petitioner's bail, if he is found involved in any other criminal activity during the period of bail.

29.11.2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No