

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-48781-2021

Date of Decision: 4.5.2022

Amrit Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Manjinder Singh Saini, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, 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.0163 dated 13.9.2021 registered for the offences punishable under Sections 21, 29 of NDPS Act at Police Station Special Task Force, STF, District Ludhiana (falls in Division No.6, Ludhiana).

Counsel for the petitioner contends that the petitioner is behind the bars since 16.9.2021 and nothing has been recovered from his possession. Counsel further contends that after completion of investigation, the police has already presented the challan but it will take time for conclusion of the trial.

The present petition is opposed by the State counsel who submitted that 945 grams of Heroin was recovered from co-accused Arjan Singh and Manpreet Singh by the police on 13.9.2021 and during their interrogation, the name of the present petitioner has figured and

accordingly, the present petitioner was arrested.

I have considered the submissions made by the counsel for the parties.

Admittedly, the petitioner has been named as accused in the present case on the basis of disclosure made by co-accused Arjan Singh and Manpreet Singh from whom police recovered 945 grams of Heroin which falls under commercial quantity. The petitioner was arrested on 16.9.2021 and no contraband or any other incriminating article was recovered from his possession. So, this Court is of the view that strict provisions of Section 37 (1)(b) of NDPS Act are not applicable to the case of the petitioner. Relevance of the disclosure made by co-accused against the petitioner would be considered at the relevant time by the trial Court during the trial. Challan has been presented but it will take time for conclusion of trial. 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.

May 4, 2022

Paritosh Kumar

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No