

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

CRM-M-49464-2021

Date of Decision:-19.04.2022

TARSEM SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Ms. Manpreet Ghuman, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.175 dated 4.10.2021 registered under Sections 21/29 of NDPS Act at Police Station STF Mohali, District Mohali.

The counsel for the petitioner contended that the petitioner has been falsely implicated in the present case. That as per the prosecution story, the petitioner was apprehended on 4.10.2021 and 150 grams of Heroin was recovered from his possession. The counsel further contended that the aforesaid contraband is covered under non-commercial quantity as per the provision of NDPS Act. The counsel further contended that the

investigation has been completed but it will take time for conclusion of the trial. So prayer is made for grant of concession of regular bail to the petitioner.

The bail application is contested by the State counsel, who submitted that in the present case the petitioner is facing serious charges to the effect that 150 grams of Heroin was recovered from his conscious possession. The State counsel further contended that the petitioner is having criminal history as is evident from his custody certificate.

I have considered the submissions made by counsel for the petitioner as well as by State counsel.

As per the custody certificate dated 19.4.2022 submitted by the State counsel, the petitioner is in custody for the last more than 6 months. The petitioner is also involved in another criminal cases under NDPS Act. The strict provisions of Section 37 of NDPS Act are not applicable to the instant case which is relating to recovery of non-commercial quantity of Heroin. The petitioner is not absconding in any other criminal case. In these circumstances the pendency of another criminal cases under NDPS Act cannot be made a ground to reject the present petition. Admittedly the investigation has been completed in the present case but it will take time for the termination of the trial.

Keeping in view facts and circumstances mentioned above, no fruitful purpose is going to be served even if the petitioner is kept in judicial custody for indefinite period. Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on

bail subject to his furnishing bail and surety bonds to the satisfaction of the
CJM/Duty Magistrate concerned.

19.04.2022
Gaurav Sorot

**(KARAMJIT SINGH)
JUDGE**

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No