

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

214

**CRM-M-45717-2022(O&M)
Decided on : 12.10.2022**

Surinder Pal Singh

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Ashok Giri, Advocate
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

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 – Surinder Pal Singh, who has been booked for having committed the offence punishable under Sections 21/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short ‘the Act’), in FIR No. 210 dated 08.08.2022, registered at Police Station Division No. 8, Jalandhar, District Police Commisionerate Jalandhar.

Learned counsel for the petitioner submits that as per allegations, petitioner was apprehended on the basis of secret information received by police party and upon search of the petitioner, on polythene bag containing 10 grams of heroin was recovered from the right pocket of his pants. He further submits that said recovery even if it taken to be true, it is just double to the small quantity i.e. 5 grams. It is further submitted that on account of tiff with the police, petitioner has been involved in the present

case and there is no independent witness and the offer given to the petitioner is faulty. He further submits that no other case is pending or registered against him and trial would take sufficient time to conclude. Thus, prays, regular bail for the petitioner.

Per contra, learned State counsel submitted custody certificate dated 11.10.2022 in the Court today and same is taken on record. As per said custody certificate, petitioner has already undergone custody for a period of 02 months 01 day. While opposing the prayer made by learned counsel for the petitioner, learned State counsel submits that petitioner is involved in serious offence and submits that such persons, who are possessed with the narcotic substances are a big danger to the society. Therefore, petitioner does not deserve the concession of regular bail.

I have considered the submissions of both the sides, and perused the material available on record with their able assistance.

Be that as it may, since recovery in the present case is 10 grams of heroin and applicability of Section 37 of NDPS Act would be a doubtful question and same would be decided only during the course of trial at the final stage. Moreover, taking into consideration the age of the petitioner and the period of actual custody already undergone by the petitioner, no purpose would be served by keeping the petitioner inside jail. Therefore, I deem it appropriate to enlarge the concession of bail to the petitioner.

In view of the aforementioned facts and circumstances of the case and the submissions recorded hereabove, 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 here-in-above 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.

However, it is made clear that in future if the petitioner is found involved in any other case of similar nature, respondent-State would be at liberty to take necessary steps for cancellation of bail granted to the petitioner in present case.

(SANJAY VASHISTH)
JUDGE

October 12, 2022
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Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*