

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

**CRM-M-53629-2022
Date of decision : 05.12.2022**

Karanjit Singh @ Rinku

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

PANKAJ JAIN, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.296 dated 15.09.2022, registered for offences punishable under Sections 18(b), 27A and 29 of the NDPS Act, 1985 (in short 'the Act') registered at Police Station Division B, District Police Commissionerate, Amritsar.

2. Short reply by way of an affidavit of Gurinder Pal Singh, PPS, Assistant Commissioner of Police (Detective), Amritsar City on behalf of the respondent-State has been filed. The same is taken on record.

3. Counsel for the petitioner has referred to the contents of the FIR to submit that the alleged recovery of a contraband effected from the petitioner would be non-commercial. Moreover, non-compliance of statutory provision as contained in Section 50 of the Act is written large on the records of the case. The only allegation levelled in order to bring the case within the ambit of Section 37 of the Act to oust the chance of bail, is an alleged recovery of Rs.1,79,000/- alleged to have been effected from the house of the petitioner which is stated to be drug money. He asserts that apart from bald allegation, there is nothing on record to link the said amount recovered from the house of the petitioner.

4. He further refers to income tax returns of the petitioner placed on record as Annexures P-2 to P-4 to contend that the petitioner is a man of sufficient means and thus he has resources to prove the source of said money. Apart from that he asserts that even in the report filed under Section 173(2) of Cr.P.C., there is nothing unearthed during the investigation which would link the aforesaid money to the drug. He further submits that there is no other case pending against the petitioner.

5. Mr. Cheema asserts that so far as Section 50 of the Act is concerned, the same was not required to be complied with keeping in view that it is a case of chance recovery as the secret information received w.r.t. to the arms being possessed by the petitioner. However, he does not dispute the fact that the contraband recovered is less than the commercial quantity and apart from the allegation levelled in the FIR, there is no other evidence unearthed during the investigation which would link the money recovery to the drug trade.

6. I have heard counsel for the parties and have gone through records of the case.

7. There is no dispute w.r.t. the quantity of alleged recovery made from the petitioner and the fact that the same is less than the commercial quantity, though the petitioner has been booked for offence punishable under Section 27A of the Act.

8. In view of the aforesaid factual position and the admitted case of the prosecution w.r.t. there being deficient evidence as on date to link the amount with the drug trade, this Court is *prima facie* of the opinion that it will not be one of those cases which would attract the rigors as contained in Section 37 of the Act. Apart from that, admittedly investigation stands concluded and there is no apprehension that the petitioner would tamper with the evidence.

9. Consequently, keeping in view the incarceration already suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

10. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

05.12.2022

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No