

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

223-CRM-M-59563-2022

Date of Decision: 23.12.2022

Sandeep Singh @ Babbo

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Ms. Simrat Kaur, Advocate for
Mr. Gursharan Singh, Advocate for the petitioner

Sandeep Moudgil, J. (Oral)

The petitioner seeks regular bail in case FIR No.0120 dated 22.09.2022 under Sections 21/25/27-A/29/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Bhindi Saidan, District Amritsar Rural.

Learned counsel for the petitioner contends that the alleged recovery of heroin is 3 gms from the conscious possession of the petitioner and another 3 gms of heroin from the possession of co-accused, namely, Inderjit Singh @ Nika. She submits that recovery of contraband alleged to be effected from the petitioner, is non-commercial in nature. She also states that the petitioner is behind the bars for the last 3 months.

Notice of motion.

On the asking of the Court, Mr. Kunwarbir Singh, AAG Punjab accepts notice and has filed custody certificate dated 22.12.2022, which is taken on record, according to which, the petitioner has undergone 3 months of custody and the quantity of heroin recovered from the possession of the

petitioner as well as the co-accused Inderjit Singh @ Nika is 3 gms each. He contends that another co-accused Sonu is yet to be arrested.

In the light of the fact that no recovery is to be effected from the petitioner, who is already behind the bars from last 3 months, and no custodial interrogation is required and also considering the fact that the quantity of contraband recovered from the petitioner (3 gms) and the co-accused Inderjit Singh @ Nika (3 gms) comes to a total of 6 gms of heroin, which is too less than the commercial quantity, however, the amount of drug money of Rs.67,950/- which has also been recovered from the car and also taken into consideration that the trial is likely to take some time and the petitioner is on bail in the other two cases, pending against him, and in view of the fact that the conclusion of the trial is likely to take long time and, therefore, no fruitful purpose will be served by keeping the petitioner behind bars, the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition is, therefore, allowed.

23.12.2022

V.Vishal

1. Whether speaking/reasoned?
2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No