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212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision: 26.07.2023

Deepak Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Ashish Aggarwal, Advocate,
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab,
for the respondent-State.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973, for grant of bail pending trial in case FIR No.66 dated 27.07.2021 registered under Sections 21(c) of the NDPS Act, 1985, at Police Station Valtoha, District Tarn Taran.

2. It is submitted by the learned counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. The contraband alleged to have been recovered is 267 grams of heroin from the petitioner. Even that is, undisputedly, weighed with the carry bag. Therefore, it is doubtful whether the alleged recovery is of commercial quantity or less than that. The petitioner is in custody since 30.07.2021 and not even a single witness has been examined so far. There is no other case against the petitioner.

3. On the other hand, learned counsel for the State, being

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instructed by ASI Savinderpal Singh, has submitted that the commercial quantity of heroin have been recovered from the petitioner. It is not disputed that the petitioner is in custody since 30.07.2021 but no witness has been examined so far and that there is no other case against the petitioner.

4. In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

26.07.2023
adhikari

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No