

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

**CRM-M-9867-2023 and
CRM-M-9868-2023
Date of Decision: 25.05.2023**

(I) JATINDER SINGH @ JINDHU PETITIONER

VS

STATE OF PUNJAB ... RESPONDENT

(ii) JAGMEET SINGH @ DC PETITIONER

VS

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present : Mr. G.S.Sandhu, Advocate for the petitioner(s).

Ms. Himani Arora, AAG, Punjab.

GURBIR SINGH, J. (ORAL)

Vide this common order, two petitions i.e. CRM-M-9867-2023 and CRM-M-9868-2023 filed by two different persons, shall be disposed of as the FIR involved in both the petitions is the same, arising out of the same occurrence.

The present petitions have been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 0306 dated 23.12.2022 under Sections 21(b) of NDPS Act registered at Police Station Malout District Sri Muktsar Sahib.

As per allegations, 25 grams of heroin was recovered from the transparent plastic bag which was thrown by both the petitioners on seeing the police party.

Learned counsel for the petitioners submits that the petitioner(s) are in custody since 23.12.2022. The recovery is not from the conscious possession of any of the petitioners and is of non commercial quantity. The petitioners are on bail in other cases pending against them.

Learned State counsel has opposed the prayer made by the learned counsel for the petitioners and submits that there are three other cases pending against the petitioners including two cases under NDPS Act against the petitioner namely Jatinder Singh @ Jindhu and one case under NDPS Act against the petitioner Jagmeet Singh @ DC. Learned State counsel has fairly submitted that the petitioners are in custody since 23.12.2022.

Heard.

Since the petitioners have been in custody for last more than 5 months; recovery from the petitioners is of non commercial quantity; challan has already been presented, the completion of trial will also take a long time, no useful purpose would be served by keeping the petitioners behind bars for a long period.

Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, concerned.

The petitioner shall get their mobile numbers registered in the trial Court for receiving messages through Case Information System and

also get the said Mobile numbers registered with the concerned police station. The petitioners shall not switch off the said mobile numbers during the pendency of the case. The petitioners shall not involve themselves in any such type of case during bail. In case of default, the learned trial Court is free to cancel the bail granted to the petitioners.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case. If the petitioners indulge in the commission of any offence while on bail, the State would be at liberty to move an application for cancellation of his bail granted vide this order.

A photocopy of this order be placed on the file of other connected case.

(GURBIR SINGH)
JUDGE

25.05.2023
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>