

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-10180-2023 (O&M)
Date of decision:25.04.2023

TAJINDERPAL SINGH ALIAS TEJA

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. S.K. Sirsa, Advocate
for the petitioner.

Ms. Himani Arora, AAG Punjab.

GURBIR SINGH, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.003, dated 15.01.2023, under Sections 21, 23 and 29 of Narcotic Drugs & Psychotropic Substance Act, 1985, registered at Police Station Amir Khas, District Fazilka.

Status report dated 25.04.2023 by way of an affidavit of Atul Soni, PPS, Deputy Superintendent of Police, Sub Division Jalalabad, District Fazilka on behalf of the respondent-State has been filed today in the Court and the same is taken on record. A copy thereof has been supplied to the counsel opposite.

The case of the prosecution was that on the basis of secret information, the petitioner along with non-applicants were apprehended by the police party. The search was conducted as per rules, 40 grams of heroin was recovered from him and the same was taken in possession.

Learned counsel for the petitioner submits that the co-accused had already been granted bail. The petitioner is in custody since 19.01.2023. The recovery is of non-commercial quantity.

Learned State counsel has filed custody certificate today in the Court and the same is taken on record. A copy thereof has been supplied to the counsel

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On asking from ASI, Chander Shekhar, she states that one dongle and one mobile phone was recovered and the same was sent to FSL for retrieving the data, but still no report is received. There are two other cases registered against the petitioner earlier.

Learned counsel for the petitioner further submits that the earlier two cases were registered against the petitioner in which one FIR No.127 dated 11.11.2018, Police Station Ghal Khurd District Ferozepur, under Section 21 of NDPS Act., in which 10 grams of heroin was recovered from the petitioner and the same also comes under non-commercial quantity and the other one is FIR No.161 dated 29.09.2017, Police Station Sadar Patti, District Tarn Tarn, under Section 21, 25 and 29 of NDPS Act and Section 25 of Arms Act. In both the cases petitioner is on bail.

Heard.

Since the recovery in this case is of non-commercial quantity and co-accused have already been granted the concession of bail. Keeping in view the fact that the petitioner is in custody since 15.01.2023, the completion of trial will also take a long time, no useful purpose would be served by keeping the petitioner 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.

(GURBIR SINGH)
JUDGE

25.04.2023
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Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No