

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-10940-2023

Date of Decision: 11.04.2023

Rashpal Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. G.S. Sandhu, Advocate for the petitioner.

Mr. J.P. Ratra, Senior DAG, Punjab with
Mr. Jaspal Singh Guru,
Assistant Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Reply dated 06.04.2023 filed by way of affidavit of Sh. Jasbir Singh, Deputy Superintendent of Police, Sub-Division Gidderbaha, District Sri Muktsar Sahib, on behalf of respondent-State is taken on record.

The petitioner has filed the present petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No. 03 dated 02.01.2023 registered under Sections 21(a) and 27 of the NDPS Act at Police Station Gidderbaha, District Sri Muktsar Sahib.

According to the prosecution story, on 02.01.2023, the petitioner along with his co-accused was apprehended by the police with conscious possession of 05 grams of heroin without any permit or

licence.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The contraband recovered from the petitioner falls under the category of 'non-commercial quantity'. Petitioner is in custody since 02.01.2023. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that the petitioner may be released on regular bail.

On the other hand learned State counsel has opposed the present petition.

Keeping in view the facts and circumstances of the case, period of custody and the fact that the contraband recovered from the petitioner and his co-accused falls under the category of 'non-commercial quantity', but without commenting anything on merits of the case, the present petition is allowed.

Petitioner-Rashpal Singh, is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

However, the State will be at liberty to file application for cancellation of petitioner's bail, if he is found involved in any other case under the NDPS Act, during the period of bail.

11.04. 2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No