

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

CRM-M-19061-2023

Date of decision: 29.05.2023

VAKIL SINGH

.Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Rahul Rampal, Advocate for the petitioner.

Mr. Shubham Kaushik, AAG, Punjab

.....

SANJIV BERRY, J. (ORAL)

Status report dated 17.05.2023 in the form of affidavit of Deputy Superintendent of Police, Sub Division Bhuchio, District Bathinda, has been filed by the State. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. Custody certificate dated 25.05.2023 has been filed today in Court and the same is taken on record.

3. The instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.0143, dated 30.09.2022 under Sections 21 (a) of NDPS Act, 1985, Police Station Nehianwala, District Bathinda. (Annexure P-1)

4. As per learned counsel for the petitioner, the petitioner is in custody for last more than seven months and the alleged recovery has been effected from him does not fall within the purview of commercial quantity as such, he has sought grant of bail to the petitioner.

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5. Learned State counsel, on the other hand, has opposed the bail application by arguing that the petitioner is a habitual offender and there are six other FIRs registered against the petitioner as detailed in para 5 of the reply, out of which, he has been acquitted in three cases and convicted in two cases. He has also placed on record the custody certificate of the petitioner.
6. Arguments heard and record perused.
7. It is admitted fact that the recovery of 22 grams of heroin allegedly effected from the petitioner does not fall within the purview of commercial quantity. The criminal antecedents, if any, of the accused-petitioner will be ascertained after the completion of trial and no purpose would be served by detaining the petitioner in custody any longer.
8. After considering the rival contentions and custody certificate showing that petitioner having spent 7 months and 24 days in custody and the fact that challan has already been presented in Court, in these circumstances, without commenting on the merits, the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court, however, subject to his undertaking that he will regularly appear in the trial Court on each and every day; shall not leave the country without prior permission of the Court and shall not tamper with the evidence of the prosecution.
9. Disposed of accordingly.

(SANJIV BERRY)
JUDGE

29.05.2023

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |