

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-22571-2023
Date of decision:-20.11.2023

Amritpal Singh

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Vivek Salathia, Advocate
for the petitioner.

Mr.A.P.S. Tung, DAG, Punjab.

SUVIR SEHGAL, J. (ORAL)

1. Amended petition filed in compliance of order passed by this Court, is taken on record.
2. Instant petition has been filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
0024	07.03.2023	Sadar, Gurdaspur	21(b), 27(a), 29 of NDPS Act

3. Version of the prosecution is that FIR, Annexure P1, has been registered when during routine checking, a car with two occupants was intercepted and recovery of 80 grams of heroin and Rs.30,000/- drug money was effected.
4. Counsel for the petitioner urges that the alleged recovery effected

is non-commercial though it is claimed to have been made from a vehicle, which was being driven by and belongs to Amritpal Singh, present petitioner. Besides urging that the recovery is non-commercial, counsel for the petitioner by making a reference to the challan, has argued that there is no material with the prosecution to show that the cash amount recovered is drug money. He submits that the investigation is complete, final report has been presented and the petitioner, who has clean antecedents, is entitled to be enlarged on bail.

5. *Per contra*, State counsel upon instructions from ASI Baljit Singh has opposed the petition by making a reference to the allegations levelled in the FIR. He submits that co-accused, Tejbir Singh has been released on regular bail. As per his instructions, final report has been presented, but charge has not been framed. He has filed custody certificate dated 19.11.2023, which is taken on record.

6. Having heard counsel for the parties, but without adverting to the merits of the arguments addressed, this Court is of the view that the petitioner deserves to be released on bail. The contraband recovered from the accused falls within the ambit of intermediate quantity in terms of the notification issued under the NDPS Act. Petitioner enjoys clean antecedents and has been in custody for the last more than 08 months and the trial is yet to start.

7. Petition is allowed. Petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

8. It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

20.11.2023
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Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No