

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

CRM-M-23076-2023

Date of Decision: May 12, 2023

SAMUEL @ SAM @ SAIMAL BHATTI
Versus

..... Petitioner

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Karandeep S. Sidhu, Advocate for the petitioner.
Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of bail in case FIR No.88 dated 16.07.2022 registered under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 25 of NDPS Act and 29 of Arms Act 1959 were added later on) at P.S. Lakho Ke Behram, District Ferozepur.

2. As per the allegations levelled in the FIR, the petitioner has been implicated on the basis of disclosure made by co-accused-Harjinder Singh regarding whom the allegations are of alleged recovery of 265 grams of Heroin.

3. Learned counsel for the petitioner submits that the petitioner has been behind the bars for a period of more than 8 months and the investigation already stands concluded with the filing of challan followed by framing of charges, however, no witness has been examined so far out of 24 witnesses cited by prosecution. Learned counsel further submits that the main accused from whom the recovery was effected namely Harjinder Singh has already been granted concession of bail by this Court on 13.04.2023 passed in CRM-M-971-2023.

4. On the other hand, learned State counsel opposed the prayer

made herein while submitting that the petitioner is a habitual offender as there are four other cases under the NDPS Act against him. Though in three cases he has already been granted concession of bail, however, the fourth one relates to commercial quantity of 260 grams of Heroin.

5. I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made on behalf of the petitioner.

6. Considering the fact that the petitioner has already suffered incarceration for a period of more than eight months and investigation already stands concluded followed by framing of charges, no witness examined so far besides the fact that the petitioner was implicated on the basis of disclosure made by the co-accused Harjinder Singh who already stands released on bail in pursuance to order dated 13.04.2023 passed in CRM-M-971-2023, I do not see any reason to extend the incarceration of the petitioner. As regards the antecedent of the petitioner, he has already been released on bail in three cases whereas the fourth one, as per the information provided by learned State counsel, involves alleged recovery of 260 grams of Heroin which is marginally higher than the non-commercial quantity.

7. Without commenting upon merits of the present petition, the same is allowed. Petitioner is ordered to be released on bail subject to his furnishing of adequate bail bonds/surety bonds to the satisfaction of the trial Court/Illaqra Magistrate/Duty Magistrate.

12.05.2023
Tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No
