

CRM-M-25231-2023 -1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(221) CRM-M-25231-2023
Date of decision:- 12.07.2023

Beant Singh ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Laghuinder Singh Sekhon, Advocate for the petitioner.
Mr. Arun Luthra, DAG, Punjab for State-respondent.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
188	20.12.2022	City-II Malerkotla, District Malerkotla	21 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “the NDPS Act”) and Section 25 of Arms Act, 1959

2. Version of the prosecution is that FIR, Annexure P-1, has been registered on the basis of secret information that some persons were indulging in illegal trade of contraband. A cemetery near Chhoti Eidgah was raided and three persons, namely, Beant Singh (present petitioner), Abdul Gaffar @ Sonu and Simranjeet Singh @ Roda were apprehended. Recovery of 255 grams of heroin, pistol, live cartridges and drug money was effected.

CRM-M-25231-2023

-2-

3. Counsel for the petitioner contends that the recovery effected from the petitioner is 255 grams of heroin, which is marginally above, the commercial quantity of heroin prescribed in the notification issued under the NDPS Act. He submits that although petitioner has been named as an accused in another FIR registered way back in the year 2014 for an offence under the IPC, but he is not involved in any other criminal case involving trade of prohibited substance. He asserts that on conclusion of investigation, final report has been submitted and charge has been framed on 07.07.2023 and the petitioner, who is under arrest since 23.12.2022, deserves to be released on bail.

4. Opposing the petition, State counsel, upon instructions received from ASI, Moghar Singh, submits that pistol along with two live cartridges and drug money of Rs.2.25 lacs was recovered from co-accused, Simranjeet Singh @ Roda. State counsel could not dispute that the co-accused, Simranjeet Singh @ Roda, has been released on regular bail by this Court by order dated 17.04.2023. He has filed reply by way of an affidavit of Deputy Superintendent of Police, Sub Division Malerkotla, District Malerkotla and does not dispute the recovery from the petitioner and status of the trial.

5. I have heard counsel for the parties and considered their respective submissions.

6. This Court in **CRM-M-18775-2021** titled as **Jatin Arora @ Jatin Versus State of Punjab**, decided on 07.07.2021, after noticing the orders passed by Co-ordinate Benches, granted bail to the accused from whom recovery effected was marginally above the threshold limit of non-

commercial quantity.

7. Noticing the custody period of more than 6 ½ months, stage of the trial, recovery effected from the petitioner and his non-involvement in any other case under the NDPS Act, this Court is of the view that he deserves to be released on bail during the pendency of the trial.

8. Without adverting to the merits or demerits of the arguments addressed, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

9. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

12.07.2023
Kamal

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