

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

CRM-M-27679-2022
Date of Decision:-**19.05.2023**

SANDEEP MASIH ALIAS SUNNY

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Hanspuneet Singh Kehal, Advocate
for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab.

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KARAMJIT SINGH, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.40 dated 25.6.2018 registered under Sections 21, 22, 25, 29 of NDPS Act at Police Station Division D, District Amritsar.
2. The allegations in nut-shell are that on the basis of secret information, police apprehended co-accused Nishant @ Robin with 260 grams of heroin and co-accused Jiwan Singh with 255 grams of heroin on 25.6.2018. There were also allegations in the FIR that petitioner was also involved in the aforesaid drug trafficking and consequently

arrested in this case on 17.12.2021. During investigation, no contraband was recovered from his possession.

3. The counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and is in custody for the last more than 1 year and 5 months and is having no criminal history and no incriminating article or contraband was recovered from the possession of the petitioner. The counsel for the petitioner further submits that petitioner has nothing to do with the recovery of contraband stated to be effected from Nishant and Jiwan Singh and he cannot be held liable for the same. The counsel for the petitioner further submits that it will take time for the trial to conclude. So prayer is made for grant of regular bail to the petitioner.
4. The instant petition is resisted by the State counsel, who has filed reply by way of affidavit of Mr. Surinder Singh, ACP, Central Amritsar City. The State counsel submits that recovery of 260 grams of heroin was effected from Nishant @ Robin and 255 grams of heroin was recovered from Jiwan Singh @ Jeena on 25.6.2018 by the police and that later on petitioner was arrested on 17.12.2021. However, the State counsel has not disputed the fact that no contraband was recovered from possession of the petitioner, who is having no criminal history. The State counsel has also not disputed that till date charges are not framed against the accused persons.
5. I have considered the submissions made by counsel for the parties.

6. In the instant case, the petitioner was arrested on 17.12.2021 and no contraband is stated to have been recovered from the petitioner. As per prosecution 260 grams of heroin was recovered from Nishant @ Robin and 255 grams of heroin was recovered from Jiwan Singh @ Jeena, who were arrested on 25.6.2018. It is a moot point as to whether aforesaid recovery from Nishant @ Robin and Jiwan Singh @ Jeena, which was effected more than 3 years prior to arrest of the petitioner is also to be counted towards the petitioner. Admittedly the petitioner is in custody for the last 1 year and 5 months and no contraband is recovered from his possession and the petitioner is having no criminal history and as has been apprised by the State counsel, the trial has not commenced so far. In the given circumstances, no fruitful purpose is going to be served by prolonging judicial custody of the petitioner for indefinite period.
7. Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

19.05.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No