

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-27126-2023

Date of Decision: 2.6.2023

Amandeep Singh @ Raju

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Prateek Pandit, Advocate, for the petitioner.
Mr. Hakam Singh, AAG, Punjab.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.2 dated 4.1.2019 registered for the offences punishable under Sections 21 of NDPS Act at Police Station Adampur, District Jalandhar (Rural).

2. The allegations in nutshell are that the petitioner was apprehended by the police along with 15 grams of Heroin on 4.1.2019.

3. Counsel for the petitioner *inter alia* contends that the petitioner was granted regular bail by the learned trial Court vide order dated 5.2.2019 (Annexure P-2) and thereafter, the petitioner got absented due to some unavoidable circumstances on 10.8.2021 and surrendered on 13.3.2023 and since then, the petitioner is in custody. He further submits that rigors of Section 37 of NDPS Act are not applicable as the aforesaid recovery of 15 grams of Heroin comes under non-commercial quantity. It is further submitted that trial will take considerable time to conclude. So, prayer is made that the petitioner be released on regular bail.

4. Present petition is resisted by the State counsel who submits that on earlier occasion also, the petitioner absconded after grant of regular bail. However, the State counsel has not disputed the fact that in the instant case, there was recovery of 15 grams of Heroin and the same comes under non-commercial quantity and further, the petitioner is in custody since 13.3.2023. State counsel has further apprised the Court that the trial is at its initial stage and till date, no prosecution witness has been examined.

5. I have considered the submissions made by the counsel for the parties.

6. As per police, 15 grams of Heroin was recovered from possession of the petitioner which comes under non-commercial quantity and thus, strict provisions of Section 37 of NDPS Act are not applicable to the instant case. Further, the petitioner was granted regular bail at the initial stage by the learned trial Court vide order dated 5.2.2019 (Annexure P-2) but later on, the petitioner jumped bail and thereafter surrendered on 13.3.2023 and since then, he is lodged in judicial custody. It will take considerable time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

June 2, 2023
Paritosh Kumar