

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

CRM-M-31889-2023
Date of Decision: 02.08.2023

Charanjeet Singh @ Kala

...Petitioner

Vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Harshit Jain, Advocate
 for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J.

1. Custody certificate filed by learned counsel for the State is taken on record.
2. The petitioner has filed the present petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No. 16 dated 16.02.2023 registered under Sections 18/61/85 of the NDPS Act at Police Station Mulepur, District Fatehgarh Sahib.
3. According to the prosecution story, the petitioner was found in conscious possession of 2 kgs 560 grams of opium, without any permit or licence.
4. Learned counsel for the petitioner, inter alia contends that the petitioner has been falsely implicated in the present case. The quantity of contraband recovered from the petitioner is marginally above the 'commercial quantity'. No independent witness was joined by the police party. Petitioner is

not involved in any other case. He is in custody since 16.02.2023. Trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that he may be released on regular bail. In support of his contentions, learned counsel for the petitioner has relied upon judgments in *(i) CRM-M-37684-2021, Balwinder Singh vs. State of Punjab, decided on 14.02.2022; (ii) CRM-M-8212-2022, Tajinder Singh vs. State of Punjab, decided on 03.03.2022 and (iii) CRM-M-35186-2016, Manjit Kaur @ Jeeto vs. State of Punjab, decided on 01.12.2016.*

5. On the other hand, learned counsel for the State vehemently opposed the submissions made by learned counsel for the petitioner. However, he fairly conceded the fact that petitioner is not involved in any other case.

6. Keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that the quantity of alleged contraband is marginally above the 'commercial quantity', but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

7. Therefore, the petition is allowed and petitioner, namely; Charanjeet Singh @ Kala, is ordered to be released on regular bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

02.08.2023

hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No