

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-37642-2023
Date of decision: 10.10.2023

SukhdevPetitioner.

Versus

State of PunjabRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Kamal Narula, Advocate,
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

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SANJIV BERRY, J. (ORAL)

Instant petition has been preferred under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
61	17.06.2023	Section 21 of NDPS Act	P.S. City-1, Abohar, district Fazilka.

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. He submits that as per the allegations levelled by the prosecution, 07 grams of heroin was recovered from the petitioner which falls within the purview of non-commercial quantity, being marginally higher than the small quantity.

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3. It is further submitted by learned counsel for the petitioner that the challan in this case has already been presented and conclusion of trial will take sufficient long time. As such, he prays for grant of regular bail.

4. Learned State counsel has placed on record copy of the custody certificate dated 09.10.2023 of the petitioner, showing the petitioner being in custody for the last 03 months 22 days. He submits that the petitioner is also involved in two other cases under the NDPS Act but he is on bail therein.

5. As per the case of the prosecution, on the basis of secret information, the present petitioner was apprehended on 17.06.2023 in the area of Alamgarh Chowk, Abohar, as stated above, recovery effected from the possession of the petitioner happens to be 07 gram of heroin. Further the case of the prosecution falls under the category of intermediate quantity which is above the small quantity of contraband.

6. After completion of investigation in the case, challan has already been presented in the Court; charge has been framed and the conclusion of the trial will take time to ascertain the criminal liability, if any, of the petitioner and I find no purpose would be served to detain the petitioner further in custody to face the incarceration, without commenting on merits of the case, the petitioner is ordered to be released on bail on his furnishing bail bonds to the satisfaction of trial Court.

7. The petitioner shall give the undertaking that he will not to leave the country without prior permission of the Court; will regularly

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appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

9. Petition stands allowed.

10.10.2023
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |