

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

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CRM-M-42041-2022
Date of decision : 12.01.2023

Gurnam Singh

Petitioner

V/S

State of Haryana

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Vikas Bishnoi, Advocate
for the petitioner.

Mr. Munish Sharma, Asstt. A.G., Haryana
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.315 dated 13.12.2020 registered under Sections 21-B and 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station City Ratia, District Fatehabad.

Brief facts of the case are that on 13.12.2020, when the police party headed by ASI Harpal Singh doing patrolling duty in the area of Police Station City Ratia, they saw accused-Rajender Singh @ Biru coming on the motorcycle. On suspicion, the police apprehended the accused and on search 15.20 grams of heroin was recovered from the right pocket of his coat. During interrogation accused-Rajender Singh @ Biru suffered disclosure statement and disclosed the name of the petitioner from whom he had purchased the recovered contraband.

Learned Counsel for the petitioner has argued that the

petitioner has been falsely implicated in the case on the basis of disclosure statement of co-accused Rajender Singh @ Biru which is a very weak type of evidence. The petitioner was not apprehended on the spot and nothing was recovered from him. Co-accused Rajender Singh @ Biru has already been granted concession of regular bail by the trial Court. Even otherwise the alleged contraband recovered from co-accused Rajender Singh @ Biru falls under the category of non-commercial quantity. The petitioner is in custody since 02.07.2022. Trial is likely to take time and no purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has opposed the present petition in terms of reply filed by way of an affidavit dated 31.10.2022 of Sh.Shukarpal Siraswal, HPS, Deputy Superintendent of Police, Ratia, Fatehabad in the Registry which is taken on record.

Learned State counsel submits that the petitioner is the person from whom co-accused Rajender Singh @ Biru had purchased the alleged contraband recovered from him and co-accused Rajender Singh @ Biru had also admitted this fact in his disclosure statement. The petitioner is also involved in 02 other cases under the NDPS Act, however, he is on bail in the said cases.

I have heard learned counsel for the parties and gone through the paper-book.

Keeping in view the facts and circumstances of the case, custody period of the petitioner, the fact that co-accused Rajender Singh @ Biru from whom the alleged contraband was recovered had already

been granted concession regular bail by the trial Court, the contraband recovered from him falls under the category of non-commercial quantity and also the fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and petitioner-Gurnam Singh is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

State will be at liberty to file application for cancellation of petitioner's bail, if he is found involved in any other case under the NDPS Act during the period of bail.

12.01.2023

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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No