

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

213

CRM-M-47245-2022 (O&M)

Date of Decision: 13th July, 2023

Monu @ Lovely

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rana Harjasdeep Singh, Advocate for the petitioner.
Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

AVNEESH JHINGAN , J.(Oral)

1. This petition under Section 439 of the Code of Criminal Procedure is filed seeking regular bail in FIR No.56 dated 3.4.2021 under Sections 21(b), 22(b) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Daresi, Ludhiana, District Ludhiana.

2. First petition was dismissed as withdrawn on 30.3.2022 with liberty to file fresh with better particulars on the same cause of action. Second petition was dismissed as withdrawn on 4.8.2022.

3. Brief facts are that on 3.4.2021 the police party acting upon the secret information apprehended Monu (the petitioner) and Chanderkanta while they were riding the two wheeler. On seeing the police party, the petitioner tried to turn back the scooter and in that process the envelope fell down. Chanderkanta threw an envelope, from

which 1500 tablets of Tramadol were recovered. Seventy grams of *Heroin* was recovered from the envelope possessed by the petitioner.

4. Learned counsel for the petitioner submits that recovery from the petitioner was of non-commercial quantity, the petitioner is in custody since 3.4.2021, no further recovery is to be made and there is no progress in the trial.

5. Learned State counsel opposes the prayer and submits that 70 grams *Heroin* was recovered from the petitioner. He on instructions informed the Court that out of fourteen prosecution witnesses only one has been examined till date.

6. Without commenting on the merits of the case and considering the nature and quantity of the contraband recovered from the petitioner, the facts that though investigation is complete conclusion of trial is likely to take time and the petitioner is in custody since 3.4.2021, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.

8. Since the main case has been allowed the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

13th July, 2023
anuradha

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No