

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

208

CRM-M-50307-2022
Date of decision: 23.03.2023

GURPREET SINGH @ MONU

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Jashandeep S. Sandhu, Advocate for
Mr. Krishan Sehajpal, Advocate
for the petitioner.

Ms. Himani Arora, AAG Punjab.

GURBIR SINGH, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.82, dated 23.04.2022, under Section 22 of NDPS Act, 1985, registered at Police Station Mahilpur, District Hoshiarpur.

Learned State counsel has filed custody certificate today in the Court and the same is taken on record. A copy thereof has been supplied to the counsel opposite.

As per version of prosecution, 600 capsules weighing 193 grams containing salt tramadol and 100 tablets weighing 22 grams of alprazolam were recovered from the possession of the petitioner. The counsel for the petitioner submits that the recovery of two salts cannot be joined together. Each salt is to be seen individually. The recovery from the petitioner is of non-commercial quantity. The petitioner is in custody since 23.04.2022.

Learned counsel for the the petitioner states that the alleged recovery falls under non-commercial quantity. He has already undergone custody of almost 11 months and none of the witnesses have been examined till now.

Ms. Himani Arora, AAG, Punjab, in pursuance of the copy of the petition having been sent to the respondent-State in advance. She has opposed the prayer made by learned counsel for the petitioner, submitting that there are also other cases registered against the petitioner. It is fairly admitted that petitioner is in custody for the last 11 months but other cases are pending against the petitioner. It is further submitted that although individual salt is of non-commercial quantity but petitioner has kept the same in such a manner that the same does not fall in the commercial quantity and he gets the benefit. However, she does not deny the fact that the petitioner is in custody since 23.04.2022.

Heard.

The petitioner is in custody since 23.04.2022 and recovery is of non-commercial quantity, the completion of trial will also take a long time, no useful purpose would be served by keeping the petitioner behind bars for a long period.

Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned trial Court/Duty Judge, concerned.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

(GURBIR SINGH)
JUDGE

23.03.2023
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Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No