

CRM-M-49534 of 2022

2023:PHHC:037681

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

CRM-M-49534 of 2022

Date of decision: 10.03.2023

Khushpinder singh @ Vicky

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. S.P.S. Sidhu, Advocate,
for the petitioner.

Mr. Jashanpreet Singh, DAG, Punjab.

NAMIT KUMAR, J. (ORAL)

Pursuant to order dated 17.01.2023 status report by way of affidavit of Jasbir Singh, Deputy Superintendent of Police, Sub-Division Gidderbaha, District Sri Muktsar Sahib, on behalf of respondent No.1-State, filed in Court today is taken on record.

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.127 dated 04.07.2022 under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 27 and 29 of the NDPS Act added later on), registered at Police Station Kotbhai, District Sri Muktsar Sahib.

According to the prosecution, on 04.07.2022, in the area of Police Station Kotbhai, petitioner was found in conscious possession of 07 grams of heroin, which he was carrying without permit or license.

CRM-M-49534 of 2022

2023:PHHC:037681

Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He further submits that alleged recovery of seven grams of heroin falls under the category of non-commercial quantity. He further submits that petitioner is in custody since 04.07.2022. He further submits that investigation in the present case is complete; challan has been presented; charges have been framed and the case is now fixed before the trial Court on 27.03.2023 for prosecution evidence. He further submits that trial may take a considerable time to conclude, therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

Per contra, learned State counsel while placing on record the custody certificate opposes the prayer for grant of regular bail to the petitioner. He, however, submits that petitioner is in custody for the last 08 months and 02 days; investigation in the present case is complete; challan has been presented; charges have been framed and the case is now fixed before the trial Court on 27.03.2023 for prosecution evidence.

I have heard learned counsel for the parties and perused the record.

Keeping in view the custody of the petitioner, which is 08 months and 02 days; recovery of seven grams of heroin falls under the category of non-commercial quantity; investigation in the present case is complete; challan has been presented; charges have been framed; the case is now fixed before the trial Court on 27.03.2023 for prosecution evidence and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the

CRM-M-49534 of 2022

2023:PHHC:037681

satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed off accordingly.

10.03.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No