

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

**Neutral Citation No. 2023:PHHC:133609
CRM-M-50730-2023 (O&M)
Date of Decision: October 13, 2023**

Kulwant Singh Alias Kati

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Saurav Kanojia, Advocate for the petitioner.
Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

By way of this petition under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.137, dated 24.07.2023, under Sections 21 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sidhwan Bet, District Ludhina.

By moving an application bearing No.CRM-42549-2023, petitioner prays for interim bail for a period of 06 weeks on account of the pregnancy of his wife.

As per allegations, 3 Kg. of heroin was recovered from the possession of co-accused Surinder Singh and Naib Singh on 25.07.2023 and in their disclosure statements, they nominated the petitioner to be the supplier. Petitioner was then arrested on 13.08.2023 and 23 grams of heroin was recovered from him.

It is contended by learned counsel for the petitioner that the recovered quantity of contraband from the possession of the petitioner is non-commercial in nature as the commercial category starts from 250 grams. Learned counsel further contends that the petitioner has been falsely implicated; and that the trial may take time to conclude.

It is not disputed by learned State counsel that the recovered quantity from the petitioner falls in the non-commercial category. Learned State counsel points out that the petitioner is involved in one more case pertaining to the NDPS Act, but he is on bail in that case.

Having regard to the aforesaid facts and circumstances, particularly the fact that contraband falling in non-commercial category has been recovered from the petitioner; that the trial may take time to conclude; and also the fact that the wife of the petitioner is pregnant and nobody else is there in the family to look after his wife, as per the police report, but without commenting anything on the merits of the case, petitioner is admitted to bail and he is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

Allowed.

October 13, 2023
sarita

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No