

(226)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54467-2022
Date of Decision: 27.02.2023

AMANJEET SINGH @ KAKA @ AMARJIT SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. R.K. Arya, Advocate
for the petitioner.

Mr. Shubham Kaushik, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.02 dated 09.01.2022 registered under Sections 22 and 61 of NDPS Act at Police Station Sekhwan, District Batala.

2. The brief facts of the case are that while the police party was on patrolling duty, they saw a young person coming from the side of Village Tatley. On seeing the police party, he suddenly turned around but was stopped. On being apprehended, he tried to throw a transparent polythene bag which he had kept in his right pocket of his trouser. He disclosed his named as Amanjeet Singh @ Kaka (petitioner) son of Dilbag Singh. The search of the bag revealed 220 intoxicating tablets of Tramadol Hydrochloride.

3. The learned counsel for the petitioner contends that non-commercial quantity of contraband has been recovered from the petitioner.

220 tablets would constitute 80 gms of Tramadol at best. The commercial quantity was 250 gms. Since the petitioner was a first-time offender, in custody since 12.09.2022 and none of the 12 prosecution witnesses had been examined so far, the petitioner was entitled to the grant of regular bail.

4. On the other hand, the learned State counsel contends that offences of this kind are on the rise and merely because non-commercial quantity of contraband has been recovered from the petitioner did not entitle him to the grant of regular bail.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner has been in custody since 12.09.2022. None of the 12 prosecution witnesses have been examined so far. The petitioner is a first-time offender. The recovery is of non-commercial quantity of contraband. Therefore, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Amanjeet Singh @ Kaka @ Amarjit Singh son of Dilbagh Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month and inform in writing each time that he is not involved in any other crime other than the present case.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.25000/- and deposit the same with the Trial Court.

The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

27.02.2023

JITESH

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