

[206] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54211-2023
Date of Decision :06.11.2023

Jaspal Singh @ Jassa ...Petitioner
versus

State of PunjabRespondent

Coram : **HON'BLE MR. JUSTICESANDEEP MOUDGIL**

Present : Mr. PrateekPandit, Advocate for the petitioner.
Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J. (ORAL)

[1] The instant petition has been preferred to release the petitioner on regular bail after addition of Section 29 of the NDPS Act, 1985 (in short 'the Act') as other co-accused, who are already on bail. The said circumstance has been noticed by this Court while granting bail to the petitioner vide order dated 25.08.2023 (Annexure P-4) under Section 18 of the Act.

[2] On addition of Section 29 of the Act, the petitioner moved to the trial Court below wherein the said application under Section 439 Cr.P.C. for grant of bail for the offence under Section 29 of the Act was declined vide order dated 11.10.2023.

[3] Moreover, addition of Section 29 would not make any difference as far as consideration for grant of regular bail under Section 439 Cr.P.C. is concerned before this Court inasmuch as, the quantity recovered of contraband is the same i.e. 2 kg. 600 grams which is marginally higher than the commercial quantity and the period of custody

against the period that was approximately 01 year only.

[4] However, in view of the reasons recorded in order dated 25.08.2023 and observations of this Court made therein, apart from considering the fact that recovered contraband is marginally higher than the commercial quantity, petitioner deserves to be released on bail even under Section 29 of the Act.

[5] The petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

[6] However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

06.11.2023
'Rajneesh'

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