

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-54937-2023 (O&M)

Date of decision: 08.11.2023

SUKHWINDER SINGH @ SUKHA

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Dhaliwal Dutta, Advocate for
Mr. Abhishek Kumar, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

Through this petition, under Section 439 Cr.P.C., relief of regular bail has been sought in case FIR No.45 dated 16.09.2023, under Sections 21(b) and 27(a) of NDPS Act, 1985, registered at Police Station, Purana Shalla, District Gurdaspur.

2. The allegations against the petitioner are that he was found in possession of 06 grams of heroin, which is admittedly marginally above the small quantity i.e. 5 grams.

3. Learned counsel for the petitioner submits that the petitioner is not involved in similar kind of offence, except in case FIR No. 48 dated 24.07.2019, under Section 61/1/14 of Excise Act, registered at Police Station Purana Shala.

4. On the other hand, learned State counsel, who has appeared on an advance notice, has placed on record the custody certificate, which has supported the contention of the petitioner. The petitioner was arrested on 17.09.2023, and

till date challan has not been filed.

5. Considering the fact that the recovered quantity of heroin is 6 grams and petitioner has remained behind bars for about two months and the completion of the trial will take considerable long time. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

6. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

08.11.2023
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No