

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 55064 of 2023(O&M)
Decided on :- 14.12.2023

CHARANJIT SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Abhishek Kumar, Advocate
for the petitioner.

Mr. Aditya Kapoor, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

CRM-46107 of 2023

1. As per the averments made in the application, the same is allowed.
2. Application stands disposed of.

Main case

1. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
49	16.08.2023	21-A of NDPS Act, (27-A and 29 of NDPS added lateron)	Dorangla, District Gurdaspur

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that as per allegation 6 grams of heroin has been recovered from the petitioner, which does not fall under the purview of commercial quantity. He submits that no other case is pending against the petitioner. He submits that the petitioner was arrested on 16.08.2023, and as such he prayed for grant of concession of bail.

3. Per contra, learned State counsel has opposed the bail application by arguing that considering the nature and gravity of offence, petitioner is not entitled for concession of bail. Learned State counsel has filed custody certificate dated 13.12.2023, the same is taken on record. On instructions from ASI Lekhraj, he submits that there is no other case registered against the petitioner and even investigation in the present case is completed and the challan is being presented in Court. Learned State counsel has not controverted the fact that the alleged recovery of 6 gram of heroin does not falls within the purview of commercial quantity.

4. Considering the rival contentions and perusing the record, it transpires that as per the case of the prosecution, petitioner was apprehended on the secret information and alleged recovery of 6 grams of heroin was effected from him. The petitioner is having clean antecedents and the alleged recovery does not fall within the purview of commercial quantity. The petitioner is in custody since 16.08.2023 in the present case, challan has already been presented in the Court, the conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner and no useful purpose would be served by detaining the petitioner any

longer.

5. Consequently, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.
6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
7. Pending application(s) if any, shall also stands disposed of.

(SANJIV BERRY)

JUDGE

14.12.2023

Gyan

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No