

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214

CRM-M-60814-2022

Date of decision: 12.10.2023

Tara Singh alias Mohit Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Ms. Kuljeet Kaur, Advocate, for
Mr. HPS Ishar, Advocate, for the petitioner.
Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

Prayer in the present petition filed under Section 439 Cr.P.C is for grant of regular bail to the petitioner in case FIR No.101, dated 17.04.2022, registered under Section 21-C of the NDPS Act 1985, at Police Station Cantonment, Amritsar.

As per allegations, 275 grams of heroin was recovered from the petitioner, which he kept in his right pocket in a wax envelope.

The contention of the learned counsel is that the petitioner has been falsely implicated in the present case; that recovery of contraband is just above the commercial quantity; that the petitioner is in custody since 17.04.2022, i.e. approximately for the last 1 year and 6 months and that not even a single witness has been examined so far and the trial may take long time to conclude. As such, petitioner deserves the concession of bail.

Learned State counsel does not dispute the fact that despite charge having been framed, not a single witness has been examined so far

out of 11 witnesses cited by the prosecution.

As per custody certificate dated 11.10.2023 placed on record by the learned State counsel, the petitioner is in custody for the last 1 year 5 month and 24 days. Petitioner is not involved in any other case pertaining to the NDPS Act. The alleged recovery of contraband is marginally above the commercial quantity.

Having regard to the aforesaid facts and circumstances but without commenting anything on the merits of the case, the present petition is allowed. The petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

Disposed of.

(DEEPAK GUPTA)
JUDGE

October 12, 2023
vcgarg

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