

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-60459-2022

Date of Decision: 06.01.2023

Anwar @ Anwar Kumar

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Raghav Goyal Chandiwalla, Advocate for the petitioner.

Mr. G.S. Sandhu, Deputy Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 05.01.2023 filed in Court today is taken on record.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 181 dated 13.10.2022 registered under Section 21 of the NDPS Act at Police Station Kotbhai, District Sri Muktsar Sahib.

Brief facts of the case are that on 13.10.2022, the petitioner along with his co-accused was apprehended with conscious possession of 10 grams of heroin which they were carryi8ng without any permit or licence.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the instant case. The alleged recovery of 10 grams of heroin falls under the category of 'non-commercial quantity'. The petitioner is in custody since 13.10.2022. Trial is likely to

take time and no purpose will be served by keeping the petitioner in custody. Co-accused of the petitioner, namely, Sameer Khan, has already been granted the concession of regular bail by the trial Court vide order dated 19.12.2022 (Annexure P-2). Thus, treating the case of the petitioner on the same parity as that of his co-accused, he may also be released on regular bail.

On the other hand, learned State Counsel has vehemently opposed the submissions made by learned counsel for the petitioner.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case, the fact that the alleged recovery of 10 grams of heroin is an intermediate quantity and also treating the case of the petitioner on the same parity as that of his co-accused, namely, Sameer Khan, who has already been granted the concession of regular bail by the trial Court vide order dated 19.11.2022 (Annexure P-2), but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and the petitioner-Anwar @ Anwar Kumar, is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

January 06, 2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No