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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-58342-2023 (O&M)

Date of Decision: 07.12.2023

Murli Ram

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Nitesh Singla, Advocate, for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.121 dated 13.08.2023, under Section 20(b) of NDPS Act, registered at Police Station City Budhlada, District Mansa.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody for about 4 months and he was falsely implicated in the present case and even otherwise also there was alleged recovery of only 2 kgs. of Ganja from the petitioner. He submitted that the investigation of the case has already been completed and thereafter challan has been presented and even the charges have been framed. He submitted that the reason as to why he was falsely implicated is that he was earlier involved in some cases under the Excise Act and the present case was planted upon

him. He submitted that be that as it may, the alleged confiscated quantity from the petitioner was only 2 kgs. of Ganja which does not fall in the category of commercial quantity and, therefore, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Gurdarshan Singh Sidhu, AAG, Punjab has submitted that it is correct that the petitioner is in custody for about 4 months and recovery from the petitioner was 2 kgs. of Ganja which does not fall in the category of commercial quantity.

4. I have heard the learned counsel for the parties.

5. It is a case where the petitioner has already faced incarceration for about 4 months. The investigation of the case has already been completed and thereafter challan has been presented and even the charges have been framed. The alleged recovery from the petitioner was only 2 kgs. of Ganja which does not fall in the category of commercial quantity.

6. In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

07.12.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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