

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-60779-2022

Date of Decision: 31.5.2023

Kashmir Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. C.L.Pawar, Addl. AG, Punjab.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.140 dated 20.8.2022 registered for the offences punishable under Sections 21(b), 29 of NDPS Act at Police Station Kartarpur, District Jalandhar.

2. The allegations in nutshell are that on the basis of the secret information, the police laid *naka* and apprehended the petitioner, co-accused Sukhpal Singh and Chhinda who were traveling on a motorcycle. During their search, 125 grams of Heroin and amount of ₹ 5 lakh were recovered from the person of the present petitioner and 10 grams of Heroin was recovered from co-accused Sukhpal Singh and 15 grams of Heroin was recovered from co-accused Chhinda and during further investigation, another cash worth ₹ 73,70,000/- was recovered from the house of the

petitioner.

3. Counsel for the petitioner *inter alia* submits that non-commercial quantity of Heroin is stated to be recovered from possession of the petitioner, Sukhpal Singh and Chhinda. It is further submitted that co-accused Sukhpal Singh and Chhinda are already enlarged on bail by Coordinate Bench of this Court vide orders dated 29.11.2022 and copies of the said orders are taken on record. Counsel for the petitioner further submits that the petitioner is in custody for the last more than 9 months and is having no criminal history and that it will take considerable time for the trial to conclude. He further submits that it is a matter of evidence as to whether the amount recovered from the petitioner is a drug money. So, prayer is made that the petitioner be released on bail.

4. Present petition is resisted by the State counsel who on instructions from ASI Pappu Gill submits that along with 125 grams of Heroin, drug money worth ₹ 73,70,000/- was also recovered from the petitioner who is in custody for the last more than 9 months. However, the State counsel has not disputed the fact that the aforesaid contraband comes under non-commercial quantity and that another co-accused Sukhpal Singh and Chhinda are given benefit of regular bail and that it will take time for the trial to conclude.

5. I have considered the submissions made by the counsel for the parties.

6. The contraband which is stated to be recovered in the present case from the petitioner and his co-accused comes under non-commercial quantity and as such, embargo provided under Section 37 of NDPS Act is not applicable to the instant case. As per prosecution, cash worth ₹

73,70,000/- was also recovered from the petitioner. It is matter of trial as to

whether money came to the petitioner is a proceeds of crime. Indeed, the petitioner is in custody for the last more than 9 months and his co-accused are already given benefit of regular bail and it will take considerable time for the trial to conclude. So, no purpose is going to be served by prolonging the judicial custody of the petitioner.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

May 31, 2023
Paritosh Kumar

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