

222 IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 58787 of 2023
Date of Decision:- 28.11.2023

RAMANDEEP SINGH @ TANI AND ANR.
... Petitioner

Versus

STATE OF PUNJAB
... Respondent

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

Present:- Mr. Amarpreet Singh, Advocate
for the petitioner.

Mr. Aditya Kapoor, AAG, Punjab
.....

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioners under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in the following case :-

FIR No.	Dated	Sections	Police Station
0235	26.08.2023	21(b), 25, 29, 61, 85 NDPS Act	Civil Lines, Bathinda

2. It is *inter alia* contended by learned counsel for the petitioners that the petitioners are innocent and have been falsely implicated in this case. He submits that the petitioners are alleged to have been kept in their possession 105 gms of Herion allegedly recovered from their house which does not fall within the purview of commercial quantity. He submits that petitioners are in custody since 29.08.2023. He submits that co-accused has

already been granted concession of bail on 10.10.2023 by learned Additional Sessions Judge, Special Court, Bathinda (Annexure P-3) and there is no other case under NDPS Act registered against the present petitioners, prayed for grant of concession of bail.

3. Learned State counsel has filed custody certificate dated 26.11.2023 and submits that petitioners are not involved in any other case under the NDPS Act. He prayed for dismissal of petition considering its gravity.

4. After considering the rival contentions and perusing the record it transpires that as per custody certificate the petitioners are in custody since 29.08.2023. The alleged recovery of contraband recovered from the house of the petitioner is 105 grams heroin and the same does not fall within purview of commercial quantity. Trial of the case will take sufficient long time and criminal liability, if any, could only be determined after conclusion of trial which will take sufficient long time and considering the fact that there is no other case registered against the petitioners under NDPS Act, it is observed that no purpose would be served in keeping petitioners behind bars any longer.

5. Consequently, considering above facts and circumstances, the present petition is allowed. The petitioners are 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.

(SANJIV BERRY)
JUDGE

28.11.2023
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No