

S. No.223

2024:PHHC:028899

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-994 of 2024

Date of Decision:29.02.2024

Gurmej Singh @ Sonu

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Malkiat S. Hundal, Advocate for the petitioner.
Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

Status report by way of affidavit dated 28.02.2024, of Shri Ravinder Singh, PPS, Deputy Superintendent of Police, Sub Division Jandiala, District Amritsar (Rural) has been filed on behalf of the respondent- State, along with the custody certificate.

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.128 dated 01.12.2018 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Tarsikka, Amritsar Rural.

As per the allegations, 58 loose intoxicating tablets kept in a transparent polythene were thrown by the petitioner by taking it out from the right pocket of his lower, on 01.12.2018. He was apprehended. On analysis, the contraband was found to contain the salt of Tramadol Hydrochloride with 99 mg per tablet. The total weight works out to be roughly 06 grams which is much lower than the commercial category which starts from 250 grams.

Before presentation of challan, petitioner was allowed interim bail. However, he later on did not appear and so, was declared proclaimed offender on 17.12.2022. Later on, he was arrested on 15.07.2023.

Learned counsel for the petitioner submits that the petitioner was falsely implicated; that trial may take long time to conclude; that recovered quantity falls much lower than the commercial category and so, in these circumstances he be allowed bail.

Learned State Counsel does not dispute the fact that the recovered quantity of the contraband falls in the non-commercial category. However, bail is opposed on the ground that the petitioner was earlier declared proclaimed offender.

Custody certificate placed on record by learned State Counsel, reveals that the petitioner is in custody for 08 months and 23 days. Out of 11 witnesses cited by the prosecution, 07 have already been examined. Trial may take some time to conclude.

Having regard to all the afore-said facts and circumstances, particularly the quantity of contraband as recovered from the petitioner, but without commenting anything on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

February 29, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No