



109 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

CRM-M-4517-2024
Date of Decision:10.07.2024

JASWINDER SINGH ALIAS MANNA

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Imman Singh Khara, Advocate
for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

KARAMJIT SINGH, J.

1. 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.82 dated 14.10.2023 registered for the offences punishable under Sections 21(b) and 27(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Tibber, District Gurdaspur.
2. The allegations in nutshell are that on 14.10.2023 police recovered 10 grams of heroin from the present petitioner while drug money worth Rs.5050/- was recovered from his co-accused Daljeet Singh both of whom were riding of an Active which was driven by the present petitioner. Both of them were arrested at the spot by the police.
3. Counsel for the petitioner *inter alia* submits that petitioner is falsely implicated in the present case and is having no criminal history



and is incarcerated for the last more than 8 months and it will take time for the trial to conclude. It is further submitted that the aforesaid recovery of contraband comes under non-commercial quantity and thus is not covered under the rigors of Section 37 of NDPS Act. That co-accused Daljeet Singh is already enlarged on bail by the Co-ordinate Bench of this Court vide order dated 09.04.2024(Annexure P-3). So, prayer is made that petitioner be released on regular bail during pendency of the trial.

4. Present petition is resisted by the State counsel who on instructions from ASI Ajay Rajan has not disputed the fact that present case is relating to recovery of 10 grams of heroin from possession of the present petitioner and recovery of drug money worth Rs.5050/- from co-accused Daljeet Singh who is already enlarged on regular bail vide order dated 09.04.2024(Annexure P-3). State counsel has not disputed the fact that petitioner is having no criminal antecedents under NDPS Act but was involved in one another case under Section 376 of IPC wherein he stands acquitted as per the latest custody certificate. State counsel has also not disputed the fact that petitioner is in custody for the last more than 8 months and trial is at its initial stage.

5. The alleged recovery of 10 grams of heroin comes under non-commercial quantity and thus rigors of Section 37 of NDPS Act are not applicable in the instant case and further petitioner who is having no criminal history under NDPS Act is incarcerated for the last more than 8 months and it will take considerable time for the trial to conclude and

co-accused Daljeet Singh has already given benefit of regular bail vide order dated 09.04.2024 (Annexure P-3). In the given circumstances, no useful purpose is going to be served by prolonging the judicial custody of the petitioner for any longer period.

6. 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.

10.07.2024

Priyanka Thakur

Whether speaking/reasoned

Whether reportable

(KARAMJIT SINGH)

JUDGE

Yes/No

Yes/No