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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.

CRM-M-4847-2024

Date of Decision:-05.02.2024

HARDALJIT SINGH

.....Petitioner

Vs.

STATE OF PUNJAB

.....Respondent

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Kulbir Singh Sekhon, Advocate
for the Petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.202 dated 07.12.2023 under Section 21(A) Act No.61 of the NDPS Act, 1985 and Sections 307/186 IPC, 1860 at Police Station City Muktsar, District Sri Muktsar Sahib.

2. The petitioner came to be arrested with 2 grams of heroin which is less than commercial quantity.

3. The learned counsel for the petitioner contends that the petitioner had been falsely implicated in the present case. There was violation of mandatory provisions of the Act regarding search and seizure including Sections 42 and 50. As the petitioner was in custody since 07.12.2023, none of the 18 prosecution witnesses had been examined so far and the recovery was of non-commercial quantity of contraband, he was entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that serious allegations have been levelled against the petitioner. Offences of this kind were on the rise and, therefore, he was not entitled to the concession of bail. He, however, concedes that the petitioner was in custody since 07.12.2023, none of the 18 prosecution witnesses had been examined so far and that the recovery was of non-commercial quantity of contraband.
5. I have heard the learned counsel for the parties.
6. Admittedly, the recovery from the petitioner is of non-commercial quantity of contraband. Therefore, the bar contained under Section 37 of the NDPS Act would not be applicable to the case of the petitioner. Further, the petitioner is stated to be in custody since 07.12.2023 and none of the 18 prosecution witnesses had been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.
7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Hardaljit Singh son of Narinder Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

05.02.2024
JITESH

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