

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRM-M-5841-2024

Date of Decision : February 08, 2024

BHANU PARKASH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sahil Vashishat, Advocate,
for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.186, dated 02.12.2023, under Section 20 of the NDPS Act, registered at Police Station Division No.2, District Ludhiana.

2. Learned counsel for the petitioner submits that it is not under dispute that the recovery of contraband which was effected from the present petitioner, alongwith his co-accused, is of 8 grams of *ganja*, which is a non-commercial quantity, as prescribed under the schedule. He further submits that the petitioner has already suffered incarceration of about 2 months in the present case, and he is involved in one more criminal case, in which he is on bail.

3. On the other hand, learned State counsel vociferously opposed the asked for relief on the ground that the petitioner is involved in one more criminal case of similar nature.

4. He has further placed on record a custody certificate *qua* the petitioner, which is taken on record, and perusal of the same reveals that the petitioner has suffered incarceration of 2 months and 4 days as on today, and he is involved in one more criminal case under NDPS Act, however, he is on bail in that case.

5. He also submits, on instructions imparted to him by ASI Gurpreet Singh, that after the completion of investigation, *challan* has been presented on dated 29.01.2024 and out of the total 11 prosecution witnesses as cited by the prosecution, none has been examined till date.

6. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

7. Considering the fact that the quantity of contraband recovered from the present petition is of non-commercial, and the petitioner has suffered incarceration of 2 months and 4 days as on today, and out of the total 11 witnesses cited by the prosecution in the final report none has been examined till date, this Court deems it appropriate to grant the concession of regular bail to the petitioner, during the pendency of trial. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail, on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

8. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate

application seeking cancellation of regular bail, as granted by this Court.
Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

February 08, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No