

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-9392-2024

Date of Decision: 10.4.2024

Sukhanjot Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Gurinder Singh Hayer, Advocate, for the petitioner.
Mr. Jasjeet Singh Dhaliwal, AAG, Punjab

KARAMJIT SINGH, J.

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.0188 dated 21.11.2023 registered for the offences punishable under Sections 21-B of NDPS Act at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. The allegations in nutshell are that the police effected recovery of 20 grams of Heroin from the petitioner at the spot on 21.11.2023 while the petitioner managed to escape from there but was later on apprehended on 24.11.2023.

3. Counsel for the petitioner submits that the petitioner is falsely implicated in the present case and even otherwise, the alleged recovery comes under non-commercial quantity and thus, rigors of Section 37 of NDPS Act are not attracted to the instant recovery. It is further submitted that the petitioner is in custody for the last more than 4 months and on completion of investigation, challan stands presented against the petitioner but it will take time for the trial to conclude.

4. On the other hand, State counsel, while resisting the present petition, submits that 20 grams of Heroin was recovered in this case from the petitioner and the petitioner is in custody for the last more than 4 months and is also involved in one another case under IPC. However, State counsel on instructions from ASI Ashok Kumar has not disputed the fact that the petitioner is having no criminal history under NDPS Act and further, on completion of investigation, the police has presented the challan and now the trial has commenced but till date, the prosecution has not examined any witness.
5. I have considered the submissions made by the counsel for the parties.
6. Present case is relating to recovery of non-commercial quantity of contraband and stringent provisions of Section 37 of NDPS Act are not attracted to the instant case. Further, the petitioner, who is having no criminal antecedents under NDPS Act is in custody for the last more than 4 months and it will take time for termination of the trial. In the given circumstances, no useful purpose is going to be served by keeping the petitioner in custody for any further period.
7. 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.

(KARAMJIT SINGH)
JUDGE

April 10, 2024
Paritosh Kumar