

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9330-2024

Date of Decision: February 27, 2024

GURWINDER KUMAR ALIAS JPPetitioner
Versus
STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vinod Bhardwaj, Advocate for the petitioner.
Mr. Davinder Bir Singh, Sr. DAG, Punjab.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No. 0221 dated 15.12.2023 registered under Sections 21-B/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City, Malout, District Sri Muktsar Sahib wherein, the petitioner has been implicated against the alleged recovery of 10 grams of heroin.
2. The prayer made herein has been vehemently opposed at the instance of learned State counsel while referring to the antecedents of the petitioner who is allegedly involved in two other cases under NDPS Act besides his involvement in 5 cases under IPC.
3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.
4. In the present case, the alleged recovery from the petitioner is of 10 grams of heroin which is of non-commercial quantity. The investigation already stands concluded with the filing of challan and the

charges are yet to be framed, accordingly, the trial is likely to take some time. As regards the involvement of petitioner in two other cases of NDPS, it has been pointed out that he is on bail in those two cases and facing trial. Considering the totality of facts and circumstances besides, the recovery being non-commercial in quantity and investigation having already been concluded, this Court does not find justification to extend his incarceration any further.

5. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

27.02.2024

(HARKESH MANUJA)
JUDGE

Tejwinder

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>