

239 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15164-2024

Decided on:-03.04.2024

Jagpreet Singh @ Jaggu

....Petitioner..

vs.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Kushagra Mahajan, Advocate,
for the petitioner.

Mr. Athar Ahmed, DAG, Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail to the petitioner, pending trial in case FIR No.271 dated 14.10.2023, registered under Sections 21 & 27-A of the NDPS Act, 1985 (Section 29 of the NDPS Act added later on), at Police Station Jandiala, District Amritsar Rural.

2. Learned counsel for the petitioner submits that the petitioner has been implicated on the basis of disclosure statement made by co-accused Malkeet Singh @ Tota, from whom the alleged recovery of 20 grams of “heroin” was effected, which is non-commercial quantity and thus, prays for grant of concession of regular bail.

3. The prayer made on behalf of the petitioner has been opposed by learned State counsel by referring to the involvement of the petitioner in one more case of similar nature.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.

5. In the present case, no recovery has been effected from the present petitioner and he was implicated only on the basis of disclosure statement made by Malkeet Singh @ Tota, from whom the alleged recovery of 20 grams of heroin was effected and that too, of non-commercial quantity. The petitioner has already suffered incarceration for the last 04 months and even the investigation has not been concluded by the investigating agency and as such, this Court does not find any reason to extend the incarceration of the petitioner.

As regards the involvement of the petitioner in one more case of NDPS Act, in that case also, he was involved only on the basis of disclosure statement.

6. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

7. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

03.04.2024
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(HARKESH MANUJA)
JUDGE

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