



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

219

CRM-M-16945-2024
Date of Decision: 13.08.2024

YUDHVEER SINGHPetitioner
Versus
STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. G.S.Bhatia, Advocate for the petitioner.
Mr. Rajinder Singh Bhatta, DAG, Punjab.

GURBIR SINGH, J (ORAL)

1. This petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.26, dated 04.02.2024, under Sections 21-B, 27(a), 61, 85 NDPS Act registered at Police Station Chheharta, District Police Commissionerate Amritsar.
2. As per the case of the prosecution, raid was conducted on the basis of secret information that two persons on e-rickshaw were selling heroin. When the raid was conducted, petitioner was apprehended on the spot and alleged recovery of 10 grams of heroin and Rs.2,000/- as drug money was recovered from the petitioner. The co-accused who is the brother of the petitioner ran away from the spot.
3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. He is in custody since 06.02.2024. He further submits that the prosecution has no evidence to show that the alleged recovery of Rs.2,000/- is a drug money. The alleged recovery of 10 grams of heroin, allegedly effected from the petitioner falls under the head 'non-commercial' category.
4. Custody certificate has been filed and the same is taken on



record. Learned State counsel, while opposing the bail petition on the ground that 10 grams of heroin has been recovered from the petitioner, fairly admitted that the petitioner is in custody since 06.02.2024 but there are two other cases registered against the petitioner in which he is on bail.

5. I have heard the submissions of learned counsel for the petitioner, learned State counsel and have gone through the paper book.

6. Since the alleged recovery i.e. 10 grams of heroin is intermediate and the petitioner is in custody since 06.02.2024, so no useful purpose would be served by keeping the petitioner behind the bars.

7. Accordingly, 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 concerned learned trial Court/Duty Magistrate.

8. The petitioner shall get his mobile number registered in the trial Court for receiving messages through CIS and shall not change his mobile number during pendency of the case. The petitioner shall also get his mobile number registered with the concerned police station. In case petitioner changes his residence, he shall inform the Court concerned about his new address. In case of default, the learned trial Court is free to cancel the bail granted to the petitioner.

9. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial court shall decide the case on the basis of material available before it.

(GURBIR SINGH)
JUDGE

13.08.2024

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