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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-17610-2023

Date of Decision: 08.01.2024

Pardeep Kumar alias Rammi

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr.L.M.Gulati, Advocate, for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.P.C., for grant of regular bail to him in case FIR No. 150 dated 27.08.2022 registered under Section 21 of the NDPS Act, 1985 (Section 29 of NDPS Act added subsequently), at Police Station City Patti, District Tarn Taran.

2. As per the case of the prosecution, on 27.08.2022, when police party was on patrolling duty, a Scooty of black colour, which was being driven by a youngman and a lady sitting on pillion, was signalled to stop. On seeing the police party, the driver of the Scooty suddenly turned back and therefore, on the basis of the suspicion, they were stopped. On asking them, the youngman disclosed his name as Pardeep Kumar and the lady disclosed her name as Ashu Jain, wife of the petitioner. On their search, 266 grams of heroin and Rs.24,000/- of drug money were found in conscious possession of them.

3. Learned counsel for the petitioner contends that in the present case, the petitioner has been falsely involved by the police. He further contends that the petitioner was arrested in the present case on 27.08.2022. He further

contends that similarly placed co-accused, namely, Ashu has already been granted the concession of regular bail by this Court in CRM-M-52500-2022 on 17.02.2023 (Annexure P-2). Learned counsel for the petitioner has placed relied upon judgments passed in *(i) CRM-M-37684-2021, Balwinder Singh vs. State of Punjab, decided on 14.02.2022; (ii) CRM-M-8212-2022, Tajinder Singh vs. State of Punjab, decided on 03.03.2022 and (iii) CRM-M-35186-2016, Manjit Kaur @ Jeeto vs. State of Punjab, decided on 01.12.2016* to contend that the quantity of contraband recovered from the present petitioner is marginally above 'the commercial quantity' and in view of the fact that the petitioner has undergone such a long period for incarceration, he is entitled for bail.

4. On the other hand, learned counsel for the State vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the rigors of Section 37 of the Act would apply to the facts of the present case and the petition is liable to be dismissed.

5. I have heard learned counsel for the parties and perused the record.

6. Keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that the quantity of alleged contraband is marginally above the 'commercial quantity', but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail. Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

(N.S.SHEKHAWAT)
JUDGE

08.01.2024
hemlata

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