

2024:PHHC:129580



218.

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

CRM-M-18424-2024

Date of decision: 30.09.2024

Rajbir Singh @ Churi

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Amit Arora, Advocate, for the petitioner.

Mr. Rajinder Singh Bhatta, DAG, Punjab.

GURBIR SINGH, J.

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.05, dated 08.01.2024, registered under Section 21(b) of NDPS Act, 1985 at Police Station Sirhali, District Tarn Taran.

2. As per prosecution, recovery of 150 grams of heroin was effected from the possession of petitioner.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. Even otherwise, the alleged recovery falls under non-commercial category, as the commercial quantity prescribed under the schedule of NDPS Act is 250 grams of heroin. Compliance of Sections 50 and 52-A of NDPS Act have

not been made. The petitioner is in custody since 08.01.2024. Challan has been presented in the case. Conclusion of trial will take long time.

4. Learned State counsel has opposed the bail to the petitioner considering the allegations. He submits that the petitioner is involved in one more case under the IPC.

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

6. Considering the fact that the petitioner is in custody since 08.01.2024; recovery is of intermediate quantity; culpability of the petitioner would be determined during trial; completion of trial will take some time, this Court deems it appropriate to release the petitioner on regular bail.

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/Chief Judicial Magistrate/Duty Magistrate, with the further condition that he shall get his mobile number registered in the trial Court for receiving messages on CIS system and shall not change his mobile number during the pendency of the case. He shall also furnish his residential address to the trial Court as well as to the concerned police station and shall not change his residence without intimation to the concerned court. The court concerned may impose any

other condition as it deems fit. In case of default, the trial Court is free to cancel the bail granted to the petitioner.

8. 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

September 30, 2024
sanjeev

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