

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-18466-2024
Date of decision:-23.04.2024

Jorawar Singh @ Jora

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.J.S. Mahal, Advocate
for the petitioner.

Mr.Amit Chaudhary, DAG, Punjab.

SUVIR SEHGAL, J. (ORAL)

1. This second petition has been filed under Section 439 Cr.P.C.
seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
043	01.05.2023	Sadar, Gurdaspur	21(b)/27-A of NDPS Act, however, Section 29 of NDPS Act was added later on.

2. Version of the prosecution is that FIR, Annexure P1, was
registered when on the basis of suspicion, a car was intercepted and upon

search, recovery of 100 grams of heroin was effected from the dashboard of the vehicle. Drug money of Rs.25,000/- and a computerized weighing scale was also recovered. Upon inquiry, the car driver identified himself as Jorawar Singh @ Jora, present petitioner.

3. Counsel for the petitioner submits that the recovery effected from the petitioner does not fall within the ambit of commercial quantity. He submits that the petitioner is in custody since 03.05.2023, investigation has been completed and after framing of charge, trial is under way. He submits that the petitioner deserves to be released on bail.

4. State counsel has filed the custody certificate dated 22.04.2024, which is taken on record. Upon instructions from ASI Malkiat Singh, he submits that the petitioner is involved in number of criminal cases most of which have been registered against him for the offences under the NDPS Act. He has specific instructions to State that one out of thirteen prosecution witnesses has been examined.

5. I have heard counsel for the parties and considered their respective submissions.

6. Recovery effected from the petitioner is non-commercial and bar under Section 37 of the NDPS Act is not applicable. Trial has commenced and is at initial stage. Therefore, this Court has no hesitation in accepting the prayer made in the petition.

7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of

the Trial Court/Duty Magistrate, concerned.

8. Noticing criminal antecedents of the petitioner, it is ordered that the petitioner shall report to the SHO of the police station concerned in the morning hours on first Monday of every month as also keep him apprise about his movements during the pendency of the Trial. Petitioner shall also furnish an undertaking to the effect that henceforth he will not indulge in any criminal activity and in case he violates the undertaking, State shall be at liberty to seek cancellation of bail.
9. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)

JUDGE

23.04.2024

Brij

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No