

230 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20907-2024
Decided on:-02.05.2024

Jatinder @ JitenderPetitioner..

vs.

State of PunjabRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ajay Gupta, Advocate,
for the petitioner.

Mr. Rahul Jindal, AAG, 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 pending trial, in case bearing FIR No.391, dated 22.12.2023, registered under Sections 20, 61, 85 of NDPS Act, 1985, at Police Station Dera Bassi, District SAS Nagar, Punjab, wherein, petitioner has been implicated for the alleged recovery of 20 kg of “ganja” besides recovery of 8 kg 500 grams of “ganja” from his other co-accused, namely, Tejpal.
2. Prayer made herein has been opposed at the instance of learned State counsel while referring to the fact that the total recovery involved in the present case is 28 kg 500 grams, which is of commercial quantity as well as considering the fact that challan is still awaited, thus, he prays for dismissal of the present petition.
3. I have heard learned counsel for the parties and gone through

the paper book and find substance in the submissions made on behalf of the petitioner.

4. In the present case, the recovery effected from the petitioner is of 20 kg gram of *ganja*” and the other 8 kg 500 grams of “*ganja*” was recovered from his co-accused Tejpal.

5. Considering the fact that the recovery from the petitioner is of non-commercial quantity and he is behind the bars for the last more than 04 months, besides there is no other case of NDPS Act pending against him, I do not find any reason to extend the incarceration of the petitioner any further, especially, when even as per the learned State counsel, the investigation is already over and challan is about to be presented before the trial Court.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/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.

02.05.2024
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(HARKESH MANUJA)
JUDGE

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