



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

CRM-M-25734-2024

Date of Decision: May 24, 2024

Mohan Lal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Manu Loona, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

By way of present petition under Section 439 Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.53 dated 18.04.2023, under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act'), registered at Police Station City Fazilka, District Fazilka.

2. As per the prosecution allegations, a secret information was received to the effect that the petitioner and co-accused Harjinder Singh @ Kali and Prince are involved in the trade of heroin and that they could be apprehended on that day. It is alleged that disclosed place was raided. The three persons including the petitioner were apprehended and 25 grams of heroin was recovered from them.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated; that the recovered quantity of contraband falls in the non-commercial category; that similarly placed co-accused, namely, Prince has already been allowed bail by the Trial Court itself vide order dated 20.05.2024.

4. Notice of motion.

5. Mr. Amandeep Singh, DAG, Punjab accepts notice on behalf of respondent-State.

6. Learned State counsel has placed on record the copy of the custody certificate revealing that petitioner is in custody for the last 01 month and 03 days, though he is involved in one more case pertaining to NDPS Act.

7. Learned counsel for the petitioner informs that recovery in the other case as referred in the custody certificate, is only of 10 grams.

8. Learned State counsel does not dispute the fact that case of co-accused, namely, Prince is similarly placed as that of the petitioner, except from the fact that he is not involved in one more case.

9. Learned State counsel, on instructions from ASI Jagdish, informs that even co-accused Prince was also involved in one more case.

10. Considering all the aforesaid facts and circumstances, but without commenting anything further on the merits of the case, petitioner is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

May 24, 2024

sarita

(DEEPAK GUPTA)
JUDGE

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