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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25774-2024

Date of Decision: 25.07.2024

Ankush Shukla @ Anshu

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Umesh Sharma, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.260 dated 26.11.2023 registered under Sections 21/23/25/29 of NDPS Act, 1985 and Section 21-C/27-A, at Police Station Chheharta, District Police Commissionerate Amritsar.

2. Learned counsel for the petitioner contends that the petitioner was neither named in the FIR nor he was present at the spot. In fact, initially Mahinder Pal Singh @ Prince and Sourav Sharma were arrested and 3 kg of heroin was recovered from the car. During the course of investigation, the disclosure of the accused was recorded and the petitioner was also arrayed as one of the accused in the present case. Learned counsel further submits that the case of the petitioner is at par with Charanjit Singh @ Channi, who has been granted the concession of regular bail by this Court, vide order dated

09.04.2023 (Annexure P-3). He further submits that from the petitioner, 100 grams of heroin was recovered, which is non-commercial quantity and the rigors of Section 37 of the Act would not apply. He further contends that the petitioner is a first offender and was never involved in any other criminal activity.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

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

5. The petitioner is in custody for the last about 07 months and no criminal case was ever registered against him. Apart from that, the quantity of contraband recovered from the petitioner falls within the ambit of non-commercial quantity. Moreover, similarly placed co-accused Charanjit Singh @ Channi has been granted the concession of regular bail by this Court, vide order dated 09.04.2023 (Annexure P-3).

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

25.07.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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