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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-26269-2024
Date of decision:-22.08.2024

BALWINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Satnam Singh Thakur, Advocate for the petitioner.
Mr. Japjot Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
72	27.03.2024	21 NDPS Act(27-A NDPS added later on)	Jandiala, District Amritsar

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and is in custody since 27.03.2024. He contends that even as per the FIR the recovery effected from the petitioner is 45 gram of Heroin which does not fall within the purview of commercial quantity. He contends that petitioner is not having any criminal antecedents and as such prayed for grant of concession of bail to the petitioner.



3. *Per contra*, learned State counsel submits that petitioner was apprehended by the police while keeping in his possession 45 grams of Heroin. He submits that the petitioner is not having any other criminal case registered against him. He submits that keeping in view the recovery effected from the petitioner, he is not entitled for concession of regular bail.

4. After considering the rival contentions and perusing the record, it transpires that the instant case was registered by the police party intercepting two persons going on motorcycle on 27.03.2024 who tried to run away while seeing police party. The petitioner was apprehended and on his personal search 45 grams of Heroin was recovered. Admittedly the alleged recovery does not fall within the purview of commercial quantity. The petitioner is not having any criminal antecedents and is in custody since 27.03.2024. The conclusion of trial to ascertain criminal liability, if any of the petitioner in the present case, will take sufficient long time, no purpose would be served by detaining him in custody any longer.

5. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. It is further made clear that in case the petitioner is found



involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

22.08.2024

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No