

2024.PHHC.148239



215.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28750-2024

Date of decision: 13.11.2024

Jaspal Singh @ Prince

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Hitesh Chopra, Advocate and
Mr. Amit Kumar, Advocate, for the petitioner.

Ms. Avneet, AAG, Punjab.

GURBIR SINGH, J.

1. This petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.35, dated 17.02.2024, under Sections 21(b), 25, 27-A, 61, 85 of NDPS Act and Section 25, 54, 59 of Arms Act, registered at Police Station Chheharta, Tehsil and District Amritsar Commissionerate.
2. As per prosecution version, during patrolling duty, the police party apprehended the petitioner while he was throwing one polythene packet and on search, recovery of 200 grams of heroin, .32 bore pistol and 3 live cartridges was effected from his possession. Vide remand paper dated 22.02.2024, recovery of drug money amounting to Rs.30,500/- and one more pistol of .32 bore was also effected from him.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. Mandatory compliance of NDPS Act has not been made. Even otherwise, the alleged recovery of drugs falls under the head 'non-commercial'. The alleged recovery from the petitioner is a matter of evidence. Petitioner is in custody since 17.02.2024. He is not a previous convict. Completion of trial will take long time. Nothing more is to be recovered from the petitioner. No useful purpose would be served by keeping the petitioner behind bars anymore.

4. Learned State counsel has opposed the bail to the petitioner considering the allegations levelled against him. It is submitted that though the recovered drugs falls under non-commercial category, but recovery of .32 pistols, 3 live cartridges and drug money has been effected from his possession.

5. I have heard the submissions of learned counsel for the parties.

6. Considering the fact that the petitioner is in custody since 17.02.2024; the recovery falls under non-commercial category; culpability of the petitioner would be determined during trial and completion of trial will take some time, this Court deems it appropriate to release the petitioner on regular bail.

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

Magistrate, with the further condition that he shall get his mobile number registered in the trial Court for receiving messages on CIS system and shall not change his mobile number during the pendency of the case. He shall also furnish his residential address to the trial Court as well as to the concerned police station and shall not change his residence without intimation to the concerned court. The court concerned may impose any other condition as it deems fit. In case of default, the trial Court is free to cancel the bail granted to the petitioner.

8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case on the basis of material available before it.

(GURBIR SINGH)
JUDGE

November 13, 2024
sanjeev

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