

2024:PHHC:088707



217.

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

CRM-M-32506-2024

Date of decision: 16.07.2024

Prince

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Amandeep Singh Manaise, Advocate, for the petitioner.

Ms. Manjot Kaur, 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.22, dated 08.04.2024, under Sections 21, 27A and 29 of NDPS Act registered at Police Station Qadian, Police District Batala, District Gurdaspur.

2. As per the case of the prosecution, police party apprehended a lady and a person on 08.04.2024. On inquiry, the lady disclosed her name as Lovely and the person disclosed his name as Rohit Khosla. They were searched and recovery of 10 grams of heroin from each was effected. From further search of the lady, an amount of Rs.12,300/- was recovered.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present FIR. He was nominated in the present case on the basis of disclosure statement of Lovely who is

none else but the mother of petitioner. Even otherwise, co-accused Rohit Khosla from whose possession 10 grams of heroin was recovered, has already been granted regular bail by this Court vide order dated 27.05.2024 passed in CRM-M-26023 of 2024. No recovery was effected from the petitioner. The petitioner is in custody since 01.05.2024. No useful purpose would be served by keeping the petitioner in custody anymore.

4. Learned State counsel though has opposed the bail but does not dispute the custody and the fact that co-accused has been granted regular bail by this Court. She has fairly submitted that petitioner is not involved in any other case.

5. I have heard the submissions of learned counsel for the petitioner, learned State counsel and have gone through the paper book.

6. Considering the fact that petitioner is in custody for the last 2 months and 15 days, co-accused has already been granted bail by this Court, no other case has been pointed out against him, 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/Duty Magistrate.

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

July 16, 2024
sanjeev

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