

2024:PHHC:118707



291 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32302-2024
Decided on:-10.09.2024

Lovepreet Singh @ LovePetitioner..

vs.

State of PunjabRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vipin Mahajan, Advocate,
for the petitioner.

Mr. Siddharth Sandhu, AAG, Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 Cr.PC, prayer has been made for grant of regular bail in case FIR No.19 dated 27.01.2024, registered under Sections 21, 25, 29, 27-A of the NDPS Act, 1985, Police Station Gharinda, District Amritsar, Punjab, wherein the petitioner has been implicated on the basis of disclosure statement made by Jarman Singh@ Baman from whom recovery of 1 kg of heroin was effected.
2. Short reply by way of affidavit dated 09.09.2024 of Mr. Yadwinder Singh, PPS, Deputy Superintendent of Police, Sub-division Attari,Amritsar (Rural) filed on behalf of respondent-State in Court today, is taken on record.
3. Learned counsel for the petitioner submits that besides disclosure statement, there is no other evidence connecting the petitioner

with the alleged offence as no recovery of intoxicant material was effected from him and he is not involved in any other case.

4. On the other hand, prayer made on behalf of the petitioner has been vehemently opposed at the instance of learned State counsel while submitting that in the present case, 1 kg of *heroin* was recovered from co-accused Jarman Singh @ Baman and 200 gm of *heroin* from one of the other co-accused, namely, Jodhvir Singh, thus, the petitioner does not deserve the concession of grant of regular bail, at this stage.

5. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

6. In the present case, investigation already stands concluded with the filing of challan on 26.07.2024. The petitioner is a young boy of 23 years of age and is in custody for the past more than 07 months. Moreover, no recovery of any intoxicant material has been effected from the petitioner, who is stated to be not involved in any other case, besides it, one of the co-accused, namely, Manak Singh, who was also implicated on the basis of disclosure statement, has already been granted the concession of regular bail by this Court vide order dated 03.05.2024 passed in CRM-M-21151-2024.

7. Considering the aforesaid facts, this Court does not find any justification to extend the incarceration of the petitioner any further.

8. In view of the above, but without commenting upon merits of the present petition, the same is allowed. The petitioner is ordered to be released on bail subject to his furnishing adequate bail bonds / surety bonds to the satisfaction of the Trial Court/Illaq Magistrate/Duty Magistrate concerned.

9. It is made clear that this order may not be construed as an expression of opinion on merits of the case.

10.09.2024

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(HARKESH MANUJA)
JUDGE

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