

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

Neutral Citation No. **2024:PHHC:028085**
CRM-M-36522-2023

Date of Decision: February 28, 2024

Jawar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Kanwaljeet Singh, Advocate for the petitioner.
Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

By way of present petition under Section 439 Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.80 dated 06.09.2022, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act'), registered at Police Station Division 1, District Police Commissionerate Ludhiana.

2. As per allegations, 257 grams of heroin was recovered from the possession of the petitioner on 06.09.2022, which falls in the commercial category.

3. Learned counsel for the petitioner contends that petitioner has been falsely implicated; that the recovered quantity of contraband is marginally higher than the commercial category; that petitioner is in custody for the last more than 01 year and 05 months and that the trial may take long time to conclude and so he be allowed bail.

4. Learned State counsel has opposed the bail petition by pointing out towards the commercial category of the contraband as recovered from the petitioner. Learned State counsel has also drawn attention towards the criminal antecedents of the petitioner, inasmuch as

- 2 -

he is involved in 03 more case pertaining to NDPS Act; whereas he has been acquitted in one case also of the NDPS Act.

5. The custody certificate placed on record by learned State counsel would reveal that petitioner is in custody in the present case for the last 01 year, 05 months and 21 days. It further reveals that petitioner is involved in 03 other cases of the NDPS Act, as per the following details:-

- (i) *FIR No.383 dated 21.10.2019, under Sections 21 & 29 of the NDPS Act, registered at Police Station Divn. No.5, Civil Line, Ludhiana.*
- (ii) *FIR No.97 dated 27.02.2021, under Section 21 of the NDPS Act, registered at Police Station Division No.5, Civil Line, Ludhiana.*
- (iii) *FIR No.68 dated 10.08.2022, under Sections 21, 27 and 27-A of the NDPS Act, registered at Police Station Division No.1, Ludhiana.*

6. The Custody certificate shows that petitioner is on bail in case FIR No.97 dated 27.02.2021 and FIR No.383 dated 21.10.2019 as above. Though, custody certificate shows that petitioner is not on bail in FIR No.68 dated 10.08.2022, but learned counsel for the petitioner has placed on record the copy of order dated 10.08.2023 passed by learned Judge, Special Court, Ludhiana, whereby he was allowed regular bail in the aforesaid case of FIR No.68 dated 10.08.2022.

7. Learned State counsel has informed that out of 12 witnesses cited by the prosecution, only 01 has been examined so far and thus the trial may take long time to conclude. Besides the contraband as recovered from the petitioner is marginally higher than the commercial category.

8. Having regard to the aforesaid facts and circumstances, but without commenting anything on the merits of the case, petitioner is admitted to bail. He is ordered to be released on regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate concerned, on usual terms and conditions.

Allowed.

February 28, 2024

sarita

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

(DEEPAK GUPTA)

JUDGE