



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

CRM-M-35146-2024

Date of Decision: 30.07.2024

Jain Singh		...Petitioner
	Versus	
State of Punjab		...Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. PKS Phoolka, Advocate for the petitioner.

Ms. Avneet, AAG, Punjab.

GURBIR SINGH, J. (ORAL)

1. The present first petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.21 dated 07.03.2024 (Annexure P-1) under Section 21(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar Bathinda, District Bathinda (Punjab).
2. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case due to the denial of the petitioner to the illegal gratification by the police officials and the alleged recovery of 52 grams of heroin falls under the non-commercial quantity. He further submits that there are non-compliance of mandatory provisions of the NDPS Act.
3. Notice of motion.
4. Ms. Avneet, AAG, Punjab accepts notice on behalf of the State. She has submitted that there are other cases of similar nature pending against the accused-petitioner and opposed the concession of regular bail.
5. I have heard the learned counsel for the petitioner, learned counsel for the State and perused the paper-book.

6. As per version of the prosecution, on 07.03.2024 accused-petitioner along with other co-accused namely Satpal Singh @ Monu and Vikramjit Singh were arrested on the basis of secret information and upon searching 52 grams heroin was recovered from the transparent polythene bag. The other co-accused have already been granted bail by the Ld. Special Court, Bathinda. Although there are other three cases under the NDPS Act, registered against the accused and out of which two cases pertain to the year 2018 and one case of the year of 2022 but this is not a good ground to reject the bail of the petitioner.

7. Keeping in view the custody period and recovery of non-commercial quantity from the accused-petitioner, no purpose would be served by keeping the petitioner behind the bar and the petitioner deserves concession of bail.

8. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Appellate Court/Duty Magistrate.

30.07.2024
Parveen kumar

(GURBIR SINGH)
JUDGE

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