

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

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CRM-M-36096-2024

Date of Decision : August 23, 2024

AMANDEEP SINGH ALIAS SONU

-PETITIONER

V/S

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Balbir Singh Jaswal, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, the petitioner craves for indulgence of this Court for him being enlarged on regular bail, in case FIR No.30 dated 01.05.2024, under Section 21/61/85 of the N.D.P.S. Act, and, Section 25 of the Arms Act, registered at P.S. Dhilwan, District Kapurthala.
2. Succinctly stated, the allegations against the petitioner are that, on 01.05.2024, he along with his co-accused Lovepreet Singh @ Love was apprehended with 26 grams of heroin, one country made pistol, one cartridge of 32 bore and a Swift car.
3. The learned counsel for the petitioner, in his craving for the relief of regular bail to the petitioner, submits that petitioner's co-accused Lovepreet Singh @ Love has already been granted the concession of regular bail by the learned Judge, Special Court, Kapurthala, as is evident from the order dated 04.06.2024 (Annexure P-2). He further submits that, although the petitioner is stated to be involved in two more cases registered under the N.D.P.S. Act,

however, in one of those cases, he has already been discharged, and, in another case, he has been granted the concession of bail.

4. Finally, the learned counsel for the petitioner submits that, when the trial has not yet begin, inasmuch as, charges are yet to be framed, therefore, no fruitful purpose would be served by keeping the petitioner behind the bars, who has already suffered incarceration of approx. 03½ months.

5. The learned State counsel has placed on record custody certificate of the petitioner, and, he opposes the grant of bail to the petitioner, on the ground that, he has committed serious offence as heroin and firearms have been recovered in the instant case.

6. Although the learned State counsel has opposed the grant of bail to the petitioner, however, on instructions imparted to him by A.S.I. Murta Singh, he verifies that the trial is yet to begin, as charges have not yet been framed in the present case.

7. This Court has heard the submissions made by the learned counsels for the parties and perused the record.

8. Considering the fact that: (i) the petitioner's co-accused Lovepreet Singh @ Love has already been granted the concession of regular bail by the learned Judge, Special Court, Kapurthala, as is evident from the order dated 04.06.2024 (Annexure P-2); (ii) the recovered contraband falls within the ambit of "non commercial quantity"; (iii) as per custody certificate, the petitioner has suffered incarceration of 03 months and 21 days; (iv) although he is stated to be involved in two more cases, however, as per custody certificate, he has been discharged in one of those cases and in another case, he has been granted the concession of bail; (v) the trial has not yet begin, as charges are yet to be

framed; this Court deems it appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

9. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

August 23, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No