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

CRM-M-39414-2023
Decided on:-24.01.2024

Labh Singh @ Lovepreet Singh @ Labhu ....Petitioner..

vs.

State of Punjab ....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rakesh Kumar Kachura, Advocate for
Mr. Hoshiar Singh, Advocate,
for the petitioner.

Mr. Shubham Kaushik, AAG, Punjab.

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HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case bearing FIR No.39, dated 22.06.2023, registered under Sections 21 and 29 of the NDPS Act, 1985, at Police Station Khui Khera, District Fazilka, Punjab.

2. In the present case, the petitioner along with his co-accused was apprehended and alleged recovery of 105 grams of *'heroin'* was effected.

3. On the other hand, prayer made herein has been opposed at the instance of learned State counsel while submitting that there is one more case of NDPS Act pending against the petitioner, though relating to small quantity.

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

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petitioner.

5. Admittedly, the recovery involved in the present case falls under non-commercial quantity and investigation in the present case already stands concluded with the filing of challan. The petitioner is behind the bars for the past more than 06 months, who is a young boy of 19 years of age. In addition, the petitioner is involved in one more case of NDPS Act but in that case, the recovery was of small quantity. Thus, considering the aforesaid facts, I do not find any reason to extend the incarceration of the petitioner any further.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

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

24.01.2024 **(HARKESH MANUJA)**
sonika **JUDGE**

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

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