



In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-37846-2024 (O&M)
Date of Decision:- 13.12.2024

Amritpal Singh @ Sabi ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amit Arora, Advocate, for the petitioner.
Mr. Prabhdeep Singh Dhaliwal, AAG, Punjab.

FIR NO.	DATE	POLICE STATION	OFFENCES
400	17.09.2023	Goindwal Sahib, District Tarn Taran	21(c) and 29 of NDPS Act

GURVINDER SINGH GILL, J.

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. As per the case of prosecution, on 17.09.2023 when a police party was patrolling in the area of Village Baniya Mandala, then 2 persons were seen coming on foot and out of the said 2 persons, one of them upon noticing the police party took out a polythene packet from the pocket of his “lower” and tried to throw out the same. The said persons were apprehended by the police. When the person who tried to throw the polythene packet was questioned about the same he could not give any satisfactory reply, but his companion (petitioner)



stated that the packet being thrown contained 'Heroin'. Upon checking the packet, the same was found contained 275 grams of 'Heroin'.

3. Learned counsel for the petitioner submits that admittedly it is a case where the alleged contraband was being carried by co-accused Malkit Singh in his pocket and who upon seeing the police party tried to throw the same away and that under these circumstances the petitioner cannot be attributed conscious possession of the said contraband. It has been submitted that the alleged story of the prosecution that the petitioner himself disclosed about the contents of the packet is a cooked up story and cannot be believed particularly when he himself was not found to be carrying any contraband.
4. It has further been submitted that the petitioner has a clean record and is not involved in any other case and since as on date he has been behind bars since the last about 1 year and 3 months, he deserves the concession of bail.
5. Opposing the petition, learned State counsel submitted that since the petitioner was found along with co-accused who had thrown the packet containing contraband and the petitioner identified the contents, his complicity is clearly evident. It has been informed that the petitioner as on date has been behind bars for 1 year, 2 months and 23 days. It has however, been informed that the petitioner is not involved in any other case. It is also informed that as on date only 1 out of cited 10 PWs has been examined.



6. This Court has considered rival submissions addressed before this Court.
7. The question as regards the conscious possession of the petitioner of the contraband recovered from the packet thrown by co-accused would be debatable. The petitioner, in any case has been behind bars for a substantial period of 1 year, 2 months and 23 days and otherwise enjoys a clean record. Conclusion of trial is likely to take long time. Under these circumstances it is a fit case for grant of regular bail. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

13.12.2024
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(GURVINDER SINGH GILL)
JUDGE

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