

CRM-34934-2024 in/and
CRM-M-38844-2024



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-34934-2024 in/and
CRM-M-38844-2024
Date of Decision: September 05, 2024

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

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Naveen Kumar Kuhad, Advocate
for the applicant/petitioner.
Mr.J.S.Arora, DAG, Punjab.
.....

RAJESH BHARDWAJ, J.(ORAL)

CRM-34934-2024

Instant application has been filed praying to withdraw the main case.

Learned counsel for the applicant/petitioner prays for withdrawal of this application.

Allowed as prayed for.

Application is dismissed as withdrawn.

CRM-M-38844-2024

1. Instant petition has been filed under Section 439 Cr.P.C. praying for grant of regular bail to the petitioner in case FIR No.71, dated 22.06.2024, under Section 22(b) of Narcotics Drugs and Psychotropic Substances Act, 1985 (for brevity,`the NDPS Act`), registered at Police



Station Sadar, Bathinda, District Bathinda.

2. Adumbrated facts of the case are that three persons were seen holding transparent plastic bags in their hands. On suspicion they were asked to disclose their identity. They disclosed their names as Jarnail Singh @ Foja Singh (petitioner herein), Malkeet Singh and Jaspal Singh. On search of bag of Jarnail Singh, 70 tablets of tramadol were recovered. Search of the other accused was also conducted from whom intoxicants and tablets were recovered. All the accused failed to show the licence regarding possession of the same and thus FIR No.71, dated 22.06.2024, under Section 22(b) of the Narcotics Drugs and Psychotropic Substances Act, 1985, was registered at Police Station Sadar, Bathinda and petitioner was arrested on 22.06.2024. The samples taken were sent to the FSL and on completion of the investigation, challan was presented. Petitioner approached the learned Special Court, Bathinda, for grant of bail, however, after hearing both the sides, the same was declined vide order dated 23.07.2024. Aggrieved by the same, petitioner is before this Court praying for grant of regular bail.

3. It has been contended by counsel for the petitioner that petitioner has been falsely implicated in this case. He submits that as per case of the prosecution, the petitioner alongwith two accused was searched by the police party in a public place, however, it is evident that no independent witness was joined. He submits that the alleged recovery made from the petitioner falls under the category of non-commercial quantity and hence, provisions of Section 37 of the NDPS are not attracted in this case.

He submits that petitioner has been falsely implicated in this case and two



NDPS Act, however, he is on bail in both the cases. He further submits that co-accused of the petitioner has already been granted bail by the trial Court. He further submits that investigation is complete and thus, petitioner deserves to be granted concession of bail.

4. Learned State counsel, on the other hand, has opposed the submissions made by counsel for the petitioner. He has also filed the status report by way of affidavit of Heena Gupta, PPS, Deputy Superintendent of Police, Sub Division (Rural), Bathinda, District Bathinda, on behalf of respondent/State, today in Court. The same is taken on record. He has submitted that petitioner alongwith co-accused was arrested on the spot and the recovered contraband from the petitioner was weighing 18.76 grams, however, the total contraband recovered from all the three accused weighing 53.8 grams. However, he fairly submits that the quantity recovered falls under the non-commercial quantity and provisions of Section 37 are not attracted. He submits that challan has already been presented in this case, however, charges are yet to be framed. He also endorses that co-accused of the petitioner has already been granted bail by learned trial Court.

5. Heard.

6. Evidently, petitioner is behind bars since 22.06.2024. Co-accused has already been enlarged on bail by learned trial Court. The quantity recovered from the bag, carried by the petitioner, is 18.76 grams and even the total contraband from all the three accused also weighing 53.8 grams, which falls under the non-commercial quantity. Though petitioner is involved in two other cases, however, he is on bail in those cases.



allegations would be assessed by the trial Court only after appreciation of evidence to be led by both the parties. However, this Court would refrain itself from commenting anything on merits of the case, at this stage. In the overall facts and circumstances of the case, this Court finds that counsel for the petitioner succeeds in making out a case for grant of bail to the petitioner.

7. In the totally of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be enlarged on bail on his furnishing bail/surety bonds subject to the satisfaction of trial Court/Duty Magistrate concerned. Nothing stated herein shall be treated as an expression of opinion on the merits of the case.

September 05, 2024
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(RAJESH BHARDWAJ)
JUDGE

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |