



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

236

CRM-M-38608-2024
Date of Decision: 23.10.2024

Amarjit Singh @ Amarjeet Singh @ Laddi ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Aditya Anand, Advocate
for the petitioner.

Ms. Avneet, AAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

1. Petitioner has filed this first petition for grant of regular bail under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 (erstwhile Section 439 Cr.P.C., 1973) in case FIR No.165 dated 22.06.2024 under Sections 21/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Kotwali Kapurthala, District Kapurthala.
2. Learned counsel for the petitioner contends that the petitioner is in custody since 22.06.2024. He submits that the alleged contraband (i.e. 20 grams of heroin) was recovered from the petitioner, which is of non-commercial quantity and the rigors of Section 37 of NDPS Act do not apply to the present case. He further submits that now the challan stands presented on 20.08.2024 and charges have been framed on 04.09.2024 and trial is pending for prosecution evidence, therefore, he prays for bail.



3. Status report by way of affidavit of Deepkaran Singh, Deputy Superintendent of Police, Sub Division Kapurthala has been filed on behalf of respondent-State, which is taken on record.

4. Learned State counsel opposes the prayer for grant of regular bail to the petitioner, while referring to the custody certificate submits that the petitioner is involved in other seven cases of similar nature and he is habitual offender. However, she does not dispute that challan stands presented and out of seven cases depicted in the custody certificate, petitioner is on bail in five cases.

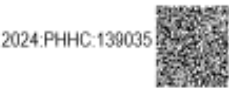
5. Faced with this, learned counsel for the petitioner submits that in so far as other cases pending against the petitioner as mentioned in para 9 of the petition, the petitioner is on bail in all seven cases and orders in respect of granting bail in all those cases are annexed as Annexures P-3 to P-9.

6. I have heard learned counsel for the parties.

7. Petitioner is in incarceration since 22.06.2024.

8. It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Moreover, in all other cases, he is on bail and in present case the recovered contraband is of non-commercial quantity, where challan stands presented and charges have been framed. Since the conclusion of trial would take sufficient time, so no useful purpose would be served in keeping the petitioner behind bars.

9. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of



the trial Court/Duty Magistrate concerned.

10. The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

23.10.2024

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