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

CRM-M-38828-2024**Date of Decision: 20.08.2024**

Kawaljeet Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Ms. Samanpreet Kaur, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.81 dated 21.02.2023 registered under Section 21(C) of NDPS Act, 1985 at Police Station Goindwal Sahib, District Tarn Taran.

2. The brief facts of the present case are that the petitioner was intercepted by the police on 21.02.2023, when on seeing the police party, the petitioner took out polythene packet from the pocket of his jeans and threw the same in the bushes and was apprehended on suspicion. From the envelope, thrown by the petitioner on the ground, 257 gram Heroin was recovered.

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case. She further contends that no recovery has been effected from the petitioner and the alleged recovery of 257 grams of heroin was planted upon him. She further contends that the petitioner is not involved in any other criminal activity and no witness has been examined so far.



The petitioner was arrested in the present case on 21.02.2023 and is in custody since then. Trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that he may be released on regular bail. In support of his contentions, learned counsel for the petitioner has relied upon judgments in (i) **CRM-M-37684-2021, Balwinder Singh vs. State of Punjab**, decided on 14.02.2022; (ii) **CRM-M-8212-2022, Tajinder Singh vs. State of Punjab**, decided on 03.03.2022 and (iii) **CRM-M-35186-2016, Manjit Kaur @ Jeeto vs. State of Punjab**, decided on 01.12.2016.

4. On the other hand, learned counsel for the State vehemently opposed the submissions made by learned counsel for the petitioner. However, he fairly conceded the fact that petitioner is not involved in any other criminal activity.

5. Keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that the quantity of alleged contraband is marginally above the ‘commercial quantity’, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

6. Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of his bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

20.08.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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