



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

**CRM-M-39952-2024
Date of decision : 23.08.2024**

Salinder Singh @ Hunny @ GandhiPetitioner

versus

State of Punjab Respondent

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Ashok Giri, Advocate
for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court by way of present petition praying for granting him regular bail in case FIR No.47 dated 22.04.2024, under Section 25 of Arms Act, 1959; Section 21(b) of NDPS Act, 1985 (Section 27 of Arms Act and Section 27-A/29 of NDPS Act added later on, registered at Police Station Nakodar Sadar, District Jalandhar Rural.

Succinctly, as per the facts of the case, the police party had laid nakabandi in connection with checking of the suspected persons and they stopped a white coloured car in which three persons were travelling. On asking their name, they disclosed their name as Balwinder Singh, Salinder Singh @ Honey (petitioner) and Jodhvir Singh @ Jodha. Suspecting them to be carrying some objectionable material, their search was conducted and a sharp edged khanda was recovered from Jodhvir Singh @ Jodha. On searching the car underneath the foot-mat, a bag containing heroin was recovered. On weighing, the same was found to be 61 grams. The abovesaid persons failed to produce any license regarding possession of the same and thus, the FIR was registered and they were arrested. Thereafter, petitioner



approached the Court of learned Additional Sessions Judge, Jalandhar praying for grant of bail. However, on hearing counsel for the parties and perusing the record, learned Additional Sessions Judge, Jalandhar declined his bail vide order dated 19.06.2024. Hence, being aggrieved, petitioner is before this Court praying for grant of regular bail.

It has been contended by counsel for the petitioner that petitioner was falsely implicated in this case. He submits that recovery was allegedly made from the public place where the car was stopped in which the petitioner along with his two accomplice was allegedly travelling. He submits that no independent witness was joined at the time of effecting recovery and thus, recovery made from the petitioner was totally unbelievable. He submits that even otherwise, the contraband recovered was not from the personal search of the petitioner but it was allegedly found lying under the foot-rest mat. He submits that on weighing the contraband, the same was found to be 61 grams which is even non-commercial quantity and provisions of Section 37 of NDPS Act are not attracted. He submits that petition of co-accused Jodhvir Singh @ Jodha for grant of regular bail was allowed by this Court vide order dated 30.07.2024 passed in CRM-M-32168-2024. He submits that though the petitioner has been falsely implicated in 02 other cases however, he is already on bail in those cases. He submits that in the facts and circumstances of the case, petitioner deserves to be granted bail.

Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He, on instructions, submits that all the three accused were arrested on the spot along with weapons and the contraband was also recovered from the car they were travelling. He submits that though the recovery effected is non-commercial quantity however, petitioner is involved in 02 more cases. He submits that the investigation is



complete and challan has been presented however, the charges are yet to be framed.

On hearing counsel for the parties and perusing the record, it is apparent that petitioner was arrested on 22.04.2024. On conducting the personal search, recovery of sharp edged khanda was effected from the petitioner and from the car 61 grams of heroin was recovered which is non-commercial quantity and thus, provisions of Section 37 of NDPS Act are not attracted. Though the petitioner is involved in 02 more cases however, he is on bail in that case. The investigation already stands completed, challan is presented.

The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficiently long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

23.08.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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