



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

215

CRM-M-42393-2024 (O&M)
Date of Decision: 23.09.2024

AMAN KUMAR ALIAS AMMUPetitioner

VERSUS

STATE OF PUNJABRespondent

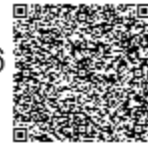
CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Ranjodh Singh Sidhu, Advocate for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. This is a petition filed under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case arising out of FIR No.119 dated 11.12.2023 under Sections 21-B, 21-C, 29 of Narcotic Drugs & Psychotropic Substances Act, 1985, 25 of Arms Act, 1959 registered at Police Station Khem Karan, District Tarn Taran on the allegations that on 11.12.2023, a police party was patrolling in the area of link road leading to village Bhura Kohna, Bhura Karimpura, Manawan having the jurisdiction of Police Station Tarn Taran when three youths were found coming towards them on a motorcycle which was not having any number plate. On seeing the police party, one of them immediately took out a polythene carry bag from pocket of his pants and threw the same in the grass by the roadside. They were apprehended on suspicion. On asking, they disclosed their names and particulars. Requisite notices under Section 50(1)



of Narcotic Drugs & Psychotropic Substances Act, 1985 were given to them. The polythene bag which was thrown out of them, was checked and it was found that the same was containing heroin. After weighing the heroin, it was found to be of quantity of 85 grams. Four live cartridges were also recovered from the present petitioner which were taken into custody. A country made pistol was recovered from the possession of co-accused Harpreet Singh @ Rahul. All these articles were taken into custody by the police and were sealed. Investigation has since been completed.

2. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. He is in custody since 11.12.2023. The co-accused Harpreet Singh @ Rahul whose case is on the similar footing has been extended benefit of regular bail. The alleged contraband recovered from their possession was of non commercial quantity. The petitioner does not have criminal antecedents. His custodial interrogation is no more required. The trial is likely to take time. It is urged that on the ground of parity as well as on other grounds, the petitioner deserves to be extended benefit of bail.

3. Per contra, learned State counsel who has advance notice of the petition has submitted that he is ready to argue the matter and has urged and keeping in view the severity of the allegations as levelled against the petitioner, he does not deserve to be released on bail.

4. Heard.

5. The petitioner along with the co-accused is alleged to be found



in possession of 85 grams of heroin and 04 live cartridges. Recovery of country made pistol was effected from the co-accused. Co-accused has since been extended benefit of bail. The case of the petitioner is on similar footing and on the ground of parity, he too deserves to be given the same benefit. Even otherwise, the recovery is of non commercial quantity. The trial is likely to take time. He is in custody since 11.12.2023. Keeping in view the period of incarceration of the petitioner and the facts and circumstances as discussed above, the petition is allowed and the petitioner is ordered to be released on bail subject to subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

6. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

23.09.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No