

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

221

CRM-M-48709-2023 (O&M)
Date of Decision:- 21.03.2024

SATNAM SINGH @ SATTI

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Abhinav Singla, Advocate for the petitioner.
Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
26	10.02.2023	21-B, 25, 27-A and 29 of the NDPS Act, 1985	Dinanagar, District Gurdaspur

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case along with his wife on the allegation of having in possession 100 grams of heroin and 1.5 lakhs drug money. He submits that the allegations levelled are false and challan has already been presented in Court as such he is not required for further investigation. He further submits that the conclusion of

trial will take sufficient long time and the alleged recovery does not fall within the purview of commercial quantity. Moreover, he contends that there is nothing on record that the amount recovered was in any manner drug money. He thus prayed for grant of regular bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the short reply dated 30.10.2023 has submitted that the petitioner along with his wife was apprehended by the Police while having in possession of aforesaid contraband. He has, however, admitted that challan has been presented in Court and out of 15 witnesses cited by the prosecution, none has been examined.

4. Heard.

5. After considering the respective submissions and perusing the record, it transpires that admittedly the contraband recovered from the possession of the petitioner does not fall within the purview of commercial quantity. It is debatable that recovery of cash from the petitioner is in any manner drug money or not. The petitioner being in custody since 10.02.2023 and challan having been presented, he is no more required for further investigation and as submitted by learned State counsel none of the witnesses have been examined out of 15 witnesses cited by the prosecution. In this manner, the conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time and no purpose would be served by detaining the petitioner in custody any longer.

6. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be

released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

21.03.2024
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No