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

CRM-M-48615-2024

Date of decision : 03.10.2024

Karan @ Karam Kumar @ Rinku**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Manoj R. Sharma, Advocate
for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner under Section 483 Bhartiya Nagrik Suraksha Sanhita 2023, praying for grant of regular bail in case FIR No.34 dated 07.07.2024, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Dorangla, District Gurdaspur.

2. Succinctly the facts of the case are that the Police party while on patrolling on 07.07.2024, was asking about Karan Kumar S/o Buta Ram and on coming to know about him, they saw him going to Hodal. After seeing the police party, he threw the mobile phone and escaped in a sugarcane fields. The police party recovered the mobile phone and on removing the cover of the same a polythene bag was found from which 10 grams 66 mg. Heroin was recovered. The petitioner, thereafter was arrested on spot as he had failed to produce any licence for possession of the same and thus, the FIR was registered. Investigation commenced.

Thereafter, petitioner approached the Learned Judge, Special Court,



Gurdaspur for grant of bail, however, after hearing both the sides and finding no merit, the same was declined by the Ld. Judge, Special Court, Gurdaspur vide order dated 23.08.2024. Aggrieved by the same, petitioner is before this Court by way of filing the present petition.

3. It has been contended by counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that the allegations made in the FIR are totally improbable as there was no secret information received which is evident from the allegations made in the FIR. He has submitted that the recovery has been made from the cover of the mobile phone which is 10 grams and 66 mg. of heroin, which is marginally above the small quantity. He submits that the investigation is completed and charges have been framed and in the facts and circumstances of the present case, petitioner deserves to be granted regular bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner and has submitted that the petitioner is involved in 05 other cases under the NDPS Act out of which in 03 cases he has been convicted. It is submitted that charges are framed, however, out of 09 prosecution witnesses, none has been examined.

5. Heard. On hearing counsel for the parties and perusing the record, it is apparent that the alleged recovery has been effected from the mobile phone of the petitioner. No independent witness was joined as submitted before this Court. The recovery itself is 10 grams 66 mg. of heroin, which is non-commercial quantity and the investigation is complete and charges are framed. Though the petitioner is facing prosecution in 05 other cases out of which he has been convicted in 03 cases, however, the present case is to be appreciated and considered on its



own facts as every case rests on its own merits.

6. 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. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, 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 Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

03.10.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No