

2024:PHHC:012179
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52621-2023
Date of Decision:30.01.2024

Raj Kumar ...Petitioner

vs.

State of Punjab ...Respondent

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

Present : Mr. R.S Waraich, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the third petition under Section 439 Cr.P.C., for grant of regular bail to him in case FIR No. 144 dated 03.06.2022 registered under Section 22 of the NDPS Act (Section 29 of the NDPS Act added later on) at Police Station Jamalpur, District Ludhiana.
3. According to the prosecution story, the petitioner was found in conscious possession of 260 grams of heroin, without any permit or licence.
4. Learned counsel for the petitioner, inter alia contends that the petitioner has been falsely implicated in the present case. The quantity of contraband recovered from the petitioner is marginally above the ‘commercial quantity’. No independent witness was joined by the police party. Petitioner is not involved in any other case. He is in custody since 03.06.2022. 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

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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.*

5. 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 case.

6. 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.

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

30.01.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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