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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55097-2022

Date of Decision: 10.01.2024

Raja Singh @ Raja

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Umesh Aggarwal, Advocate, for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.P.C., for grant of regular bail to him in case FIR No. 205 dated 26.11.2021 registered under Section 21-C, 61, 85 of NDPS Act, 1985, at Police Station STF, SAS Nagar, Mohali.

2. It has been alleged in the FIR that on receiving of secret information by the police on 26.11.2021, the present petitioner was apprehended and during his search, one polythene envelope containing 300 grams of heroin was recovered from him.

3. Learned counsel for the petitioner contends that in the present case, the petitioner has been falsely involved by the police. He further contends that the petitioner was arrested in the present case on 26.11.2021 and the conclusion of the trial may take quite a long time. He further contends that the petitioner is not involved in any other criminal case and no useful purpose would be served by keeping the petitioner behind bars. Learned counsel for the petitioner has placed relied upon judgments passed 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 to contend that the quantity of contraband recovered from the present petitioner is marginally above 'the commercial quantity' and in view of the fact that the petitioner has undergone such a long period for incarceration, he is entitled for bail.

4. On the other hand, learned counsel for the State vehemently opposed the submissions made by learned counsel for the petitioner on the ground that one more case i.e. FIR No.108 dated 01.04.2019 under Section 20 of NDPS Act has been registered against the present petitioner. However, he admits that the petitioner is on bail in the said case. The rigors of Section 37 of the Act would apply to the facts of the present case and the petition is liable to be dismissed.

5. I have heard learned counsel for the parties and perused the record.

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. Therefore, the petition is allowed and the petitioner 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.

10.01.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

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