

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-52782-2024 (O&M)
Date of Decision:-28.10.2024

Jarnail Singh... Petitioner

Versus

State of Punjab... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jashanpreet S. Chatha, Advocate for the petitioner.
Mr. Japjot Singh, AAG, Punjab.

FIR No.	Dated	Police Station	Section/s
209	30.7.2024	Phillaur, District Jalandhar Rural	18(b), 21(b), 27(a) of NDPS Act

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. As per the case of prosecution, on 30.7.2024 during the course of checking of suspicious elements, the petitioner alongwith a lady namely Amarjit Kaur were checked by the police and that while the petitioner was found to be carrying 500 grams of ‘*opium*’, which was being carried in a polythene bag, the lady accompanying him namely Amarjit Kaur was carrying 15 grams of ‘*heroin*’, which she was carrying in a purse.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that, in any case, even if all the allegations as levelled in the FIR are taken to be correct, it is a case of recovery of ‘non-

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(2)

commercial’ quantity of contraband i.e. 500 grams of ‘*opium*’, which the petitioner was alleged to be carrying. It has further been submitted that even the co-accused is alleged to be carrying a ‘non-commercial’ quantity of contraband i.e. 15 grams of ‘*heroin*’. Learned counsel for the petitioner submitted that the petitioner has been behind bars for a substantial period of about 3 months and trial has not even commenced till date and, under these circumstances, the petitioner deserves the concession of grant of regular bail.

4. Opposing the petition, learned State counsel submitted that since the petitioner was caught red-handed while carrying 500 grams of ‘*opium*’ while his co-accused was carrying 15 grams of ‘*heroin*’, his complicity is clearly evident. It has, however, been informed that the petitioner has been behind bars since the last about 3 months and that the trial is yet to commence as challan is yet to be filed in the present case.
5. This Court has considered rival submissions addressed before this Court.
6. Having regard to the fact that it is a case of recovery of ‘non-commercial’ quantity of contraband, wherein the petitioner has been behind bars since the last about 3 months, further detention of the petitioner would not be justified particularly when the trial has not even commenced till.
7. The instant petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

28.10.2024

Pankaj

Whether speaking /reasoned

Whether Reportable

(Gurvinder Singh Gill)

Judge

Yes / No

Yes / No