

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No. 223	CRM-M-58183-2023 Date of Decision:22.04.2024
Kawaljit Singh	...PETITIONER
VERSUS	
State of Punjab	...RESPONDENT
2-	CRM-M-58222-2023 Date of Decision:22.04.2024
Karandeep Singh	...PETITIONER
VERSUS	
State of Punjab	...RESPONDENT

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA
Present: Mr. G.B.S. Dhillon, Advocate
for the petitioner in both the petitions.
Mr.Ramandeep Singh, Sr.Dy.A.G., Punjab

DEEPAK GUPTA, J.(ORAL)

This order shall dispose of two aforesaid petitions, as facts are similar. However, facts are being taken up from CRM-M-58183-2023, filed by Kawaljit Singh, under Section 439 Cr.P.C. for grant of regular bail, in case FIR No. 122 dated 06.09.2023, under Sections 21 (C), 29 (Act No.61 of 1965) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred as 'the NDPS Act'), registered at Police Station Jhabal, District Tarn Taran.

2. As per allegations, both petitioners namely Kawaljit Singh and Karandeep Singh were apprehended by the police party while riding on a motorcycle and from their possession, 258 grams of heroin was recovered.

3.

L earned counsel contends that the petitioners have been falsely implicated; that the petitioners were allegedly found in possession of 258 grams of heroin, which is marginally higher than the commercial category, which starts from 250 grams. L earned counsel further contends that petitioners are in custody for the last more than 07 months; and that the trial is likely to take long time to conclude.
4.

L earned State counsel has opposed the bail petition by pointing out that the quantity of contraband as recovered from the petitioners falls in the commercial category. However, it is informed by learned State counsel that though the challan has been filed, but charges are yet to be framed. It is further informed that 14 witnesses have been cited by the prosecution in the challan. Thus, the trial is likely to take long time to conclude.
5.

A perusal of the custody certificate reveals that the petitioners are in custody for the last more than 07 months and 14 days, with no criminal antecedent.
6.

Considering all the aforesaid facts and circumstances of the case, but without commenting anything on the merits of the case, as well as the fact that the alleged recovered contraband from the possession of the petitioners is marginally higher than the commercial category, which starts from 250 grams, the petitioners are admitted to bail. They are ordered to be released on bail on their furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.
7.

Allowed.

22.04.2024

dinesh/sarita

(DEEPAK GUPTA)
JUDGE