



238 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-62010-2024

Date of decision : 16.12.2024

Dalwinder Singh @ Dindu Randhawa

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Mohit Poswal, Advocate for
Mr. S.K. Sirsa, Advocate
for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.0063 dated 05.09.2024, under Sections 21(b), 29, 61, 85 of NDPS Act, registered at Police Station Sarai Amant Khan, District Tarn Taran.

2. Succinctly facts of the case are that the police party while on patrolling on 05.09.2024 saw two persons coming from the front. After seeing the police, they got perplexed and threw the envelopes being carried by them. On suspicion, they were stopped and asked to disclose their names. They disclosed their names as Harpal Singh @ Bhala and Dhalwinder Singh @ Dhindu. The two envelopes were checked and 100 grams of heroin was recovered from each envelope. They failed to show any license regarding the possession of the same and thus, the FIR was registered and they were arrested on the spot. On registration of the FIR, investigation commenced. The samples taken were sent to the FSL. Petitioner approached the Court of learned Additional Sessions Judge, Tarn Taran praying for the grant of bail. However, after hearing both the sides,



the same was declined by the learned Additional Sessions Judge, Tarn Taran vide order dated 11.11.2024. Hence, being aggrieved, petitioner is before this Court praying for the grant of regular bail.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case. He submits that as per the case of the prosecution, the alleged recovery was effected from the envelope which contained 100 grams heroin. He submits that from each of the accused, recovery of 100 gram of heroin was effected which falls under the non-commercial quantity. He has submitted that the recovered contraband being non-commercial in nature, provisions of Section 37 of the NDPS Act are not attracted. He has submitted that petitioner has no criminal antecedents. He further submits that the investigation is already complete and thus, the petitioner deserves to be granted regular bail.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner was arrested on the spot when recovery of 100 grams of heroin was effected from the petitioner. He submits that the investigation in the present case is complete and as per custody certificate, petitioner has no criminal antecedents.

5. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was arrested on 05.09.2024. The recovery effected was in a public place however, no independent witness was joined as submitted before this Court. Investigation is already complete. There is nothing on record to show that petitioner is involved in any other case of the similar nature.

6. The veracity of the allegations would be assessed only after 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 trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

16.12.2024
m.sharma

(**RAJESH BHARDWAJ**)
JUDGE

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