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2024.PHHC:170959



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61999-2024
Date of Decision: 19.12.2024

SUKHDEV ALIAS SUKHA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Manoj R. Sharma, Advocate,
for the petitioner

Ms. Avneet, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition cast under Section 483 of the B.N.S.S., the petitioner prays for him being granted the concession of regular bail, in case FIR No.148, dated 09.10.2024, under Sections 21(b) and 27-A of the N.D.P.S. Act, registered at Police Station Dinanagar, District Gurdaspur.

2. Succinctly stated, the recovery of 100 grams of heroin alongwith Rs.8,000/- drug money, has been effected from the petitioner in the FIR (*supra*).

3. The learned counsel for the petitioner opts not to address any arguments on merits of the case, rather confines the sphere of his arguments only to the period of incarceration suffered by the petitioner, besides the stage of trial. He further submits that the recovery of contraband effected

from the present petitioner falls within the ambit of non-commercial quantity, as per the schedule attached to the NDPS Act. He further submits that, since the *challan* has already been presented before the learned trial court concerned, but the charges are yet to be framed, therefore, no fruitful purpose would be served by keeping the petitioner behind the bars, who has already suffered incarceration of approx. 02 months, as on today.

4. On the other hand, learned State counsel although vociferously opposes the grant of regular bail to the petitioner, however, on instructions imparted to him by the official concerned, he verifies that the *challan* has been presented but the charges have not been framed till date.

5. He has also filed a custody certificate qua the present petitioner, which is ordered to be taken on record. The custody certificate reflects that the petitioner has suffered incarceration of 02 months and 07 days, as on today, and he is stated to be involved in one other criminal case under the provisions of Exice Act.

6. This Court has heard the submissions made by the learned counsels for the parties and perused the record.

7. Be that as it may, considering the fact that: (i) the recovered contraband falls within the ambit of “non commercial quantity”; (ii) as per the custody certificate (*supra*), the petitioner has suffered incarceration of 02 months and 07 days till date; (iii) there is no likelihood of the trial concluding anytime soon inasmuch as the charges are yet to be framed by the learned trial court concerned; this Court deems it appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail

on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

8. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

9. All pending application(s), if any, also stand **disposed** of accordingly.

December 19, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No