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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-2567-2025**Date of Decision: 23.01.2025**

Brij Lal alias Biraj Lal alias Sandhu

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Gagandeep Singh, Advocate with
Ms. Shabnam Mahajan, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.170 dated 24.08.2023 registered under Sections 21, 61, 85 of NDPS Act (added later on), at Police Station City Jagraon, Ludhiana Rural, Punjab.

2. As per case of the prosecution, the alleged recovery of 270 grams heroin was recovered from the petitioner on the basis of the secret information by the police.

3. Learned counsel for the petitioner contends that a false case has been registered against the petitioner despite the fact that the petitioner was not even present at the spot. He further submits that the petitioner has been falsely implicated in the present case. He further contends that the petitioner is not involved in any other criminal activity. The petitioner is in custody since 24.08.2023 and the final report under Section 173 Cr.P.C. has already been presented against him. Trial is likely to take long time. No useful purpose will



be served by further detention of the petitioner in custody. Thus, it is prayed that he may be released on regular bail. In support of his contentions, learned counsel for the petitioner has relied upon judgments 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.

4. On the other hand, learned counsel for the State vehemently opposed the submissions made by learned counsel for the petitioner. However, he fairly conceded the fact that petitioner is not involved in any other criminal activity.

5. 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.

6. 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.

(N.S.SHEKHAWAT)
JUDGE

23.01.2025
hemlata

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