



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

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**CRM-M-53692-2024
Decided on : 07.01.2025**

Kala Singh alias Kala

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Ankur Jain, Advocate
for the petitioner.

Mr. Satjot Singh, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner, who has been booked for having committed the offences punishable under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'NDPS Act') (Section 29 of NDPS Act was added later on vide DDR No. 56 dated 03.05.2024), in FIR No. 76, dated 01.05.2024, registered at Police Station City Tarn Taran, District Tarn Taran, during the pendency of trial.
2. Learned counsel for the petitioner submits that the alleged recovery from the petitioner is of Heroin weighing 30 gms and from his co-accused namely, Lovejit Singh there is a separate recovery of Heroin weighing 270 gms. Learned counsel for the petitioner further submits that the petitioner is in custody since 01.05.2024. He also submits that the petitioner has been falsely implicated in the present case. Learned counsel for the petitioner further submits that petitioner, who is aged about 32 years, is never



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indulged in any such activity in his past and there is no other case against the petitioner under the provisions of NDPS Act. He further submits that further incarceration of the petitioner is not of any worth in this case.

3. Learned State counsel has filed the status report by way of affidavit of Kamalmeet Singh, PPS, Deputy Superintendent of Police, Sub-Division Tarn Taran, District Tarn Taran on behalf of respondent/State in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

4. Learned State counsel submits that after completion of investigation challan has been submitted to the concerned Court. During investigation the substance recovered from the petitioner was found having ingredient of **“Diacetylmorphine (Heroin)”**. Learned State counsel submits that there are total 11 prosecution witnesses, who are required to be examined during the course of trial. However, learned State counsel does not dispute the factual position regarding recovery of 30 gms of Heroin, which is non-commercial quantity and also that there is no other case under the Provisions of NDPS Act.

5. In view of the totality of circumstances and the factors recorded hereinabove, the prayer made in the present petition is allowed. Petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

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6. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

7. The observation made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

8. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

January 07,2025
rashmi

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