

234-CRM-M-57690-2024

2025:PHHC:015805



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-57690-2024

Date of decision: 03.02.2025

Sonu Singh @ Sandeep Singh

....Petitioner.

Versus

State of Punjab

...Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Rajat Dogra, Advocate,
for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG Punjab.

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SANJIV BERRY, J. (ORAL)

1. Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR (Annexure P-1). Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
147	23.08.2024	21(b) and 27 of the NDPS Act	Canal Colony, Bathinda, District Bathinda

2. Heard.

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that, as per the allegations, the petitioner

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along with the co-accused, namely Narinder Singh @ Nindi, was apprehended with conscious possession of 45 grams of heroin which does not fall within the commercial quantity. He contends that the petitioner is not having any concern with such recovery. He contends that challan in this case has already been presented in the Court. Hence, prays for grant of bail.

4. *Per contra*, learned State counsel, referring to the status report dated 21.01.2025 furnished by the State, has submitted that from the possession of the petitioner along with his co-accused, namely Narinder Singh @ Nindi, 45 grams of heroin was recovered. Besides drugs, an amount of Rs. 1,84,000/- and also a motor cycle in the name of the co-accused (*supra*) was recovered. He submitted that there are 02 more FIRs registered against the petitioner. Hence, prays for dismissal of the petition.

5. Considering the rival contentions and perusing the record, it is observed that as per the case of the prosecution, the police party had apprehended the petitioner along with the co-accused (*supra*) on 23.08.2024, during patrolling and from their possession 45 grams of heroin was recovered along with cash amounting to Rs. 1,84,000/- and the motor cycle belonging to Narinder Singh @ Nindi, co-accused. Since then the petitioner is in custody. Admittedly, after completion of investigation, challan has already been presented in the Court and the

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recovery of contraband does not fall within the purview of commercial quantity. As of now, there is nothing on record to connect the recovery of Rs. 184,000/-, to be drug money, which is matter of trial to be ascertained later on. It is pointed out by learned counsel for the petitioner that in one of the FIRs, he has already been acquitted and only one FIR is pending now wherein the petitioner is already on bail. Challan has already been presented in the Court and the conclusion of trial to ascertain the criminal liability, if any, of the petitioner will take sufficient long time. Considering the aforesaid facts and circumstances, and as observed aforesaid, no purpose would be served in keeping the petitioner in custody any longer to face the incarceration till the conclusion of trial.

6. Accordingly, without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

7. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

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8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

9. Petition stands allowed.

(SANJIV BERRY)
JUDGE

03.02.2025

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |