

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

CRM-M-40382-2021

DECIDED ON:30th September, 2021

Malkit Singh **.....PETITIONER**

VERSUS

UT Chandigarh **.....RESPONDENT**

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. A.P. Kaushal, Advocate for petitioner.

Mr. Kuldeep Tiwari, Additional PP for UT Chandigarh.

AVNEESH JHINGAN, J (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 439 Cr.P.C. is filed seeking regular bail in case of FIR No.25 dated 6.3.2021, under Section 20 of NDPS Act, 1985, registered at Police Station Maloya, Chandigarh.

The brief facts are that petitioner Malkit Singh was apprehended on 6.3.2021 in the area of Police Station Maloya, Chandigarh. There was alleged recovery of 1 Kg 15 grams of Charas.

Learned counsel for the petitioner submits that the recovery is marginally above the commercial quantity and included the weight of plastic bag. Petitioner is in custody since 6.3.2021. Investigation is complete, challan stands presented. He further submits that it is a case of false implication as rough site plan contains FIR number.

Learned State counsel opposes the prayer for grant of bail and submits that recovery is of commercial quantity. Petitioner was involved in another case under NDPS Act.

Learned counsel for the petitioner at this stage submits that in other case, the petitioner was granted bail and there was no recovery from the petitioner in that case. He was named in disclosure statement.

Recovery from the petitioner is of 1 kg 15 grams, as per contention the weight includes weight of plastic bag. Recovery in any case is marginally higher. Surfacing the name of the petitioner in another case is not in itself a ground to deprive his personal liberty. Investigation is complete. Charges were framed on 12.8.2021. The petitioner is in custody for more than six months. Considering the facts and circumstances in totality, without making any further comments on the merits of the case, the petitioner is granted bail on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

30th September, 2021

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**(AVNEESH JHINGAN)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>