

**CRM-M-3192-2022 (O&M)**

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

**CRM-M-3192-2022 (O&M).  
Decided on: July 18, 2022.**

**Naresh Kumar @ Kaka**

**.. Petitioner**

**VERSUS**

**State of Punjab**

**.. Respondent**

**\* \* \***

**CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH**

**\* \* \***

**PRESENT Mr.Sandeep Kumar Passi, Advocate,  
for the petitioner.**

**Ms.Jaspreet Kaur, AAG, Punjab.**

**KARAMJIT SINGH, J. (ORAL)**

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant for regular bail to the petitioner in case FIR No.192 dated 9.11.2011, under Sections 21 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of the NDPS Act added later on), registered at Police Station Special Task Force, District STF Wing (S.A.S. Nagar).

Counsel for the petitioner submits that the petitioner was not named in the FIR and was later on nominated as accused on the basis of an alleged disclosure made by co-accused Gurbhej Singh, who was stated to

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be found in possession of 1 kg of heroin.

Counsel for the petitioner further submits that the petitioner was arrested on 15.11.2021 and after completion of investigation, police has already presented the challan. Counsel for the petitioner further contends that no contraband was recovered from the possession of the present petitioner during the investigation of the case.

Counsel for the petitioner further submits that petitioner is also involved in three other cases under the NDPS Act, but he is on bail in all those three cases.

The present petition for the grant of regular bail has been resisted by the State counsel who submits that 1 kg of heroin was recovered from the possession of co-accused Gurbhej Singh by the police on 9.11.2021 and during investigation said Gurbhej Singh disclosed that he used to sell heroin to the present petitioner and consequently, the present petitioner was arrested. However, the State counsel, on instructions from SI Kulbir Singh, has not refuted the fact that no contraband was recovered from the possession of the petitioner in the present case and that the police has presented the challan on completion of investigation.

I have considered the submissions made by the learned counsel for the parties.

Admittedly, the petitioner was not named in the FIR and was later on nominated as an accused on the basis of alleged disclosure made by co-accused Gurbhej Singh against whom there are allegations that he was apprehended by the police along with 1 kg of heroin on 9.11.2021.

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The petitioner was arrested on 15.11.2021 and presently lodged in judicial custody and is not required by the police as investigation has already been concluded. No contraband or any other incriminating article was recovered from the possession of the petitioner during investigation. Admittedly, the petitioner is involved in three other cases under the NDPS Act but as stated by the counsel for the petitioner, he is on bail in all the said three cases and it will take time for the trial to conclude.

In view of above, no purpose is going to be served by keeping the petitioner in custody for any longer period. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is hereby ordered to be released on regular bail subject to furnishing bail and surety bonds to the satisfaction of the CJM/Duty Magistrate concerned during the pendency of the trial.

**July 18, 2022.**  
**raj arora**

**(KARAMJIT SINGH )**  
**JUDGE**

Whether speaking / reasoned  
Whether reportable

Yes / No  
Yes / No