

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-28514-2022

DATE OF DECISION: SEPTEMBER 20, 2022

KULDEEP SINGH @ GULSHAN @ GUCHHI ...PETITIONER

VERSUS

STATE OF HARYANA ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. J.S. DHALIWAL, ADVOCATE FOR THE PETITIONER.
MR. SUKHDEEP PARMAR, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.285 dated 11.12.2021, under Section 21-B, 27-A, 29 NDPS Act, Police Station Sadar Ratia, District Fatehabad, who is in custody since his arrest on 11.12.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Fatehabad, in the order dated 18.4.2022, are as under:-

“Brief facts of the case are that on 11.12.2021, the police party headed by ASI Jatinder Singh was going towards Ajit Nagar for patrolling and the petitioner/accused Kuldeep Singh @ Gulshan @ Guchhi was apprehended on suspicion by the said police party while he was coming from the side of village Ajit Nagar. After making compliance of notice under section 50 NDPS Act, the search of petitioner/accused was conducted and 20 grams of Heroin contained in transparent polythene pouch was recovered from right pocket of his lower in the presence of Naib Tehsildar Bhajan Dass.”

Learned counsel for the petitioner has argued that the quantity

of alleged contraband recovered from the petitioner is non-commercial. He further submits that the investigation of the case is complete and the challan stands filed on 4.2.2022, however, charges have not been framed. He prays for bail.

On the other hand, learned State counsel assisted by ASI Jatinder Singh, has opposed the aforesaid prayer on the ground that the petitioner was arrested from the spot. He further submits that the petitioner is involved in three more cases of similar nature, however, in one case, he has undergone his sentence and in the other two cases, he is on bail.

Considering the above background, the fact that recovered quantity was non-commercial and that the petitioner is behind bars for the last more than 9 months, and the charges have not been framed till date, further detention of the petitioner may not be necessary for any useful purpose, as the trial would take considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

September 20, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No