

**204 IN THE HIGH COURT OF PUNJAB AND HARYANA**

**AT CHANDIGARH**

**CRM-M-30486-2022(O&M)**

**Date of Decision : 26.08.2022**

**RAHUL KUMAR**

...Petitioner

Versus

**STATE OF PUNJAB**

...Respondent

**CORAM:- HON'BLE MR. JUSTICE SANJAY VASHISTH**

**Present:-** Mr. Manoj R. Sharma, Advocate  
for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab.

**SANJAY VASHISTH, J. (Oral)**

Through the present petition, petitioner seeks regular bail under Section 439 of Cr.P.C. in case bearing FIR No. 117, dated 28.05.2022, under Sections 21(b), 27(A) and 29 of NDPS Act, 1985 and Section 25 of Arms Act, 1959, registered at Police Station, City Gurdaspur.

As per the allegations in FIR, One Hari Om along with two other persons were travelling on Moped (Scooty Maestro) and were apprehended by the police on suspicion. Then driver disclosed his name as Hari Om and pillion rider disclosed their names as Jaanvi and Lalita. On search of the dickey of the moped, one envelope containing country made fire arm weapon 315 bore alongwith four cartridges out of which, two cartridges were live and two were missed cartridges and one revolver

38 bore which was unloaded and one envelope containing 15 grams of heroin and Rs. 17,000/- drug money got recovered from them.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that the present petitioner is co-accused of the main accused-Hari Om who confessed that petitioner-Rahul had joined with him to go to Bihar for procuring illegal weapon. Thus, the petitioner herein is indicted in the present case on the basis of disclosure statement of said Hari Om from whom, aforesaid recoveries have been made vide GD No. 47 dated 31.05.2022. He further submits that petitioner is known to the police officials and there is no evidence found against the petitioner. He also submits that petitioner is in custody since 01.06.2022 and has already suffered sufficient incarceration. It is further contended that matter has been investigated and trial is likely to take some time to conclude.

Per contra, learned State counsel while opposing the grant of regular bail to the petitioner, submits that as per now filed custody certificate dated 26.08.2022, which is taken on record, there are four other cases registered/pending against the present petitioner. However, he is not disputing the fact that, investigation stands completed and in all four cases stated by him, the petitioner is on bail

I have heard learned counsel for the parties and perused the case file.

In view of the facts that petitioner is inside jail since 01.06.2022 and was arrested on the basis of disclosure statement of co-accused Hari Om and in other four cases, petitioner has already been released on bail, investigation stands completed and trial is likely to

take long to conclude, in such circumstances, I deem it appropriate to allow regular bail to the petitioner, at this stage.

Without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of trial Court/ Illaqa Magistrate/Duty Magistrate, concerned.

Anything observed hereinbefore shall not be construed as an observation on merits of the case.

Petition is allowed.

26.08.2022  
Riya

(SANJAY VASHISTH)  
JUDGE

|                             |     |    |
|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |