

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

225

CRM-M-14598-2023

DECIDED ON: 28th MARCH, 2023

TIRTH RAM

.....PETITIONER

VERSUS

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL.

Present: Mr. Arshdeep Singh, Advocate for
Mr. Surmeet Singh Sandhu, Advocate
for the petitioner

Mr. Mohit Chaudhary, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in case FIR No. 56, dated 12.12.2022, under Section 15 of NDPS Act, 1985, registered at Police Station Nangal Bhoor, District Pathankot.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The recovery effected from the petitioner is of 23 Kg of poppy husk, which falls under non-commercial quantity. The petitioner is in custody since 12.12.2022. He placed reliance upon the orders dated 24.03.2023 and 27.03.2023 passed by this Court in CRM-M-14320-2023, CRM-M-14287-2023 and CRM-M-8881-2023 whereby the co-accused of the petitioner namely Kuldeep Kumar @ Keepa,

Lovepreet Singh and Sukhdev Singh @ Dev respectively have already been granted the concession of regular bail.

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. As per the custody certificate the petitioner has undergone the incarceration for a period of 3 months and 13 days as of now and is involved in other case bearing FIR No. 101, dated 21.08.2017, under Sections 379-B, 341, 506 and 411 IPC but is on bail. He does not dispute the factum of recovery of contraband which is of non-commercial in nature.

Considering the fact that the recovery effected from the petitioner is of non-commercial in nature added with the facts that challan stands presented wherein conclusion of trial shall take sufficient long time and the similarly situated co-accused have already been granted the concession of regular bail by this Court, this Court is of the considered view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

The petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition is allowed in view of afore-said terms.

However, it is made clear that any observation made hereinabove, shall not be construed as an expression of opinion on the merits of the case.

28th MARCH, 2023

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1. Whether speaking/reasoned?
2. Whether reportable?

(SANDEEP MOUDGIL)

JUDGE

- Yes/No
Yes/No