

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

220(1)

CRM-M No.21019 of 2023 (O&M)

Date of Decision: 21.08.2023

Ankit Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Naresh Jain, Advocate,
for the petitioner.

Mr. Amish Sharma, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in FIR No.205 dated 25.08.2022, under Sections 18/29 of NDPS Act, 1985, registered at Police Station Lambi, District Sri Muktsar Sahib.

(2) Allegations are that co-accused, namely, Ramandeep Singh was found in possession of 5.5 Kg. (opium), one country made pistol (.32 bore) with 6 loaded live cartridges and 50 live cartridges, drug money of Rs. 52,500/-. Thereafter, on the interrogation of above co-accused, petitioner has been named as an accused.

(3) Learned counsel for the petitioner contends that he has been falsely implicated in the present case as there is no material available against him; nor any contraband was recovered from the petitioner. Further contends that petitioner was nominated in the present case on the basis of disclosure of co-accused, namely, Ramandeep Singh and he is in custody since

25.08.2022. Also contends that after investigation report under Section 173 of Code of Criminal Procedure stands presented and charges are yet to be framed. Lastly contended that there is no other criminal case pending against the petitioner.

(4) Per contra, learned State counsel vehemently opposed the bail application while submitting that heavy recovery was effected from the main accused.

(5) Heard learned counsel for the parties and perused the paper-book.

(6) Allegations are that Ramandeep Singh was apprehended by the Police party on 25.08.2022 and from his possession 5.5 Kg. (opium), one country made pistol (.32 bore) with 6 loaded live cartridges and 50 live cartridges & drug money of Rs. 52,500/- were recovered. It is not in dispute that petitioner has been nominated on the basis of disclosure made by said Ramandeep Singh and except that, there is no material to connect the petitioner with the alleged recovery of contraband. On repeated asking by this Court, learned State counsel is not able to show any material at all regarding the complicity of petitioner in the present case.

(7) Thus, *prima-facie*, there is no reason to say that petitioner is likely to prove guilty; nor could be noticed any apprehension that he shall commit an offence while on bail.

(8) In view of the above, there is no option except to allow the petition.

(9) Ordered accordingly.

(10) The petitioner be admitted to bail on furnishing bail/surety

bonds to the satisfaction of the learned trial Court/ Duty Magistrate concerned.

(11) Also made it clear that petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

(12) The above observations may not be construed as an expression of opinion on the merits of the case in any manner.

(13) It is clarified that in case there is any misuse of concession on the part of the petitioner, the State of Punjab would be at liberty to move an appropriate application for recalling of this order.

(14) Disposed off accordingly.

(MAHABIR SINGH SINDHU)
JUDGE

21.08.2023

Satyawan

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No