

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

CRM-M-24218-2022

Date of Decision: 08.02.2023

RAJ KUMAR

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Ashok Giri, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG Punjab

DEEPAK MANCHANDA J.

The petitioner is seeking regular bail in the case bearing FIR No. 215 dated 16.08.2021, under Section 15 of NDPS Act, registered at Police Station Focal Point, District Police Commissionerate Ludhiana.

Custody certificate filed and the same is taken on record.

As per allegations, the police apprehended the petitioner per chance and from dickey of Car which was standing abandoned, recovered 3 bags of poppy husk each weighing 22 kgs on 16.08.2021 and on further disclosure of the petitioner, the police recovered 19 more bags from another place totalling 352 kgs belonging to main accused.

Learned counsel for the petitioner contends that petitioner is a young orphan boy, who is aged 20 years with no criminal antecedents and has been falsely implicated in the present case and is in custody since 16.08.2021. Learned counsel further contends that recovery of alleged bags belongs to Balbir Singh, who purchased the contraband from one Poonam, whose statement under Section 161 of Cr.P.C. was recorded and said co-accused Balbir Singh and also Sukhi @ Matto are already on anticipatory

bails. It is submitted that investigation of the case is complete and challan already stands presented.

Custody certificate furnished by learned State counsel reveals that the the petitioner is in custody since 20.08.2021.

Learned State counsel has opposed the bail application on the ground that there is likelihood that petitioner may misuse the concession of bail but admitted the fact that investigation of the case is complete and challan already stands presented.

Having heard learned counsel for the parties and gone through the case file and custody certificate, it is significant to note that the petitioner is in custody for a period of 01 year 05 months and 21 days. Investigation of the case has been completed and challan stands presented. Conclusion of the trial shall take considerable long time. No useful purpose would be served by keeping the petitioner in further incarceration.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

08.02.2023
Ajay Goswami

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No