

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

**CRM-M-26743-2022
Date of Decision: 31.01.2023**

Kuldeep Kumar @ Chandi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Amit Sharma, Advocate
for the petitioner.

Mr. Vinay K.Gupta, AAG, Punjab.

HARSH BUNGER J. (ORAL)

Present petition is filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.109 dated 29.09.2021 (Annexure P-1), under Sections 21, 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Sadar Banga, District S.B.S. Nagar.

As per case of the prosecution, on 29.09.2021, one Kuldeep Kumar s/o Darshan Ram was apprehended by the police party, when he was coming on motorcycle bearing registration No.PB-32-AA-7622, and upon seeing the police party, he threw away the polythene bag on the road and from the said polythene bag, 10 intoxicating injections of 2 ml. each, 10 injections without mark of 10 ml. each and 10 grams of *heroin* were

recovered. During the interrogation of accused Kuldeep Kumar s/o Darshan Ram, he suffered a disclosure statement that the abovesaid injections and *heroin* were handed over to him by Kuldeep @ Pita s/o Lal Chand and his friend Chandi (petitioner herein).

Learned counsel for the petitioner submits that the petitioner was not named in the present FIR (Annexure P-1) and he was falsely implicated only on the basis of disclosure statement of co-accused, namely Kuldeep Kumar s/o Darshan Ram. It is submitted that investigation in this case is complete, challan stands presented on 29.11.2021 and trial is pending. It is submitted that the total custody of petitioner is one year, three months and twenty seven days, as on 30.01.2023. Learned counsel for petitioner further submits that co-accused, namely Kuldeep Kumar @ Kuldeep Ram and Lovepreet Singh, have already been granted the concession of bail by a co-ordinate Bench of this Court, vide orders dated 25.03.2022 and 24.05.2022, passed in CRM-M-1449-2022 and CRM-M-551-2022, respectively. Learned counsel further submits that the petitioner herein is ready to abide by all the conditions as may be imposed by this Court or by the trial Court, accordingly prayer for grant of regular bail is made.

Custody Certificate dated 30.01.2023 of the petitioner is filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions.

Learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness of the offences. However, he does not dispute the fact that as per custody certificate, the total custody of petitioner is one year, three months and twenty seven days, as on

30.01.2023. It is also conceded by learned State counsel that concession of bail has already been granted to co-accused, namely Kuldeep Kumar @ Kuldeep Ram and Lovepreet Singh, by a co-ordinate Bench of this Court, vide orders dated 25.03.2022 and 24.05.2022, passed in CRM-M-1449-2022 and CRM-M-551-2022, respectively.

I have heard learned counsel for the parties and perused the paper book as well as the custody certificate of petitioner handed over by learned State counsel, in Court today.

In the instant case, petitioner has been nominated as an accused on the basis of disclosure statement and the veracity of the same would be tested during the trial. As per custody certificate dated 30.01.2023, the petitioner has already undergone one year, three months and twenty seven days of custody, as on 30.01.2023. Trial of the case is pending, which is likely to take long time, so no useful purpose would be served by keeping the petitioner behind bars. Moreover, co-accused namely Kuldeep Kumar @ Kuldeep Ram and Lovepreet Singh, are already on bail.

Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing heavy bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of case/trial and any change in the address shall be communicated to the concerned Station House Officer, forthwith. The petitioner would also

furnish his telephone number to the concerned Station House Officer. He

would also furnish his undertaking to the effect that he will not indulge in any illegal activity. The petitioner shall also appear before the concerned Police Station/Station House Officer on first Monday of every month till the conclusion of trial.

Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

The petition is accordingly disposed of.

31.01.2023

Apurva

(HARSH BUNGER)
JUDGE

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