

CRM-M-52006-2023

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

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Date of decision: 24.11.2023

KULWINDER SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Ms. Kamaldeep Kaur, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.103 dated 26.07.2023, registered under Section 15-B NDPS Act, at Police Station Kabarwala, District Sri Muktsar Sahib.

2. It is the case of the petitioner that the case against the petitioner is totally concocted. The petitioner is not involved in the crime as alleged against him. Even as per the story of the prosecution, the alleged recovery from the petitioner is only 8 kg. of poppy husk, which is non-commercial quantity of the aforesaid contraband. The petitioner is in custody since 28.07.2023. The charges have already been framed against the petitioner. Therefore, the petitioner is not required for any further investigation purposes. Hence, the petitioner deserves to be released on bail pending trial.

3. Notice of motion.

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4. On the asking of this Court, Mr. Jashandeep Singh, AAG, Punjab, accepts accepts notice on behalf of the respondent-State. Custody certificate of the petitioner has been filed by learned State counsel today in the Court. The same is taken on record. Learned State Counsel, on instructions, from the concerned police official, submits that there has been recovery of contraband directly from the petitioner. Therefore, the petitioner cannot assert that he is not involved in the crime as alleged against him. Hence, the petitioner does not deserve any concession of bail. However, it is not disputed that the alleged recovery of contraband from the petitioner is of non-commercial quantity and that the petitioner is in custody since 28.07.2023.

5. In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

24.11.2023

parveen kumar

**(RAJBIR SEHRAWAT)
JUDGE**Whether reasoned/speaking?
Whether reportable?Yes/No
Yes/No