

CRM-M-52655-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214

CRM-M-52655-2023
Date of decision: 07.11.2023

BABU KHAN

...Petitioner

Versus

STATE OF PUNJAB

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Randeep Singh Waraich, Advocate,
for the petitioner.

Mr. G.S.Sandhu, DAG, Punjab.

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.57 dated 24.04.2023, registered under Sections 18 and 61 NDPS Act, 1985, at Police Station City-I, Malerkotla, District Malerkotla.

2. It is submitted by the counsel for the petitioner that the case against the petitioner is totally concocted and fabricated. The petitioner is not involved in the crime at all. Even as per the case of the prosecution, the alleged recovery from the petitioner is of 5 kg. opium. However, the petitioner has already filed a separate petition challenging the very registration of the FIR on the ground that everything was manipulated by the police. In that petition, further proceedings before the trial Court was stayed by this Court. The petitioner is in custody since 28.04.2023. The investigation of the case is already over. Challan has already been filed

and, therefore, the petitioner is not required for any investigation purposes.

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Hence, the petitioner deserves to be released on bail pending trial.

3. On the other hand, learned State counsel, on instructions from ASI Rajinder Singh, submits that the petitioner is involved in a case of heavy recovery of contraband, therefore, he does not deserve any concession of bail. However, it is not disputed by learned State counsel that the petitioner has already challenged the registration of the present FIR in a separate petition, wherein further proceedings before the trial Court have since been stayed by this Court. It is also not disputed that investigation of the case is complete and that the petitioner is in custody since 28.04.2023.

4. In view 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.

07.11.2023

parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No