

CRM-M-62558-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 19.12.2023

JATINDER KUMAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Liaqat Ali, 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.63 dated 11.05.2023, registered under Sections 15 and 61 of NDPS Act, 1985, at Police Station Garhshankar, District Hoshiarpur.

2. It is submitted by learned counsel for the petitioner that the case against the petitioner is 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 car in question is only 50 kg. poppy husk, which is a non-commercial quantity of the prohibited substance. Moreover, the petitioner was not arrested from the spot and even the said car does not belong to him. His name has been added in the present case only on the basis of alleged disclosure statement given by the co-accused. There is nothing with the police to connect the petitioner with the alleged crime. The petitioner has been in custody since 19.10.2023. The petitioner is not involved in any other case; the investigation of the case is complete and the

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petitioner is not required for any further investigation purposes. Therefore, the petitioner deserves to be released on bail pending trial.

3. Notice of motion.
4. Ms. Jasleen Kaur Sidhu, DAG, Punjab, 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 ASI Kailash Chander, submits that the petitioner is involved in a very heinous crime of drug peddling. A huge quantity of 50 kg. poppy husk was recovered from the car in which the petitioner was travelling, as per the statement of other arrested co-accused. Therefore, the petitioner does not deserve any concession of bail pending trial. However, it is not disputed by the State counsel that the alleged recovery of contraband from the car in question, is of non-commercial quantity. It is also disputed that there is no other case registered against the petitioner; that the investigation of the case is complete and that the petitioner is in custody since 19.10.2023.
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 him furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

19.12.2023
parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No