

[245] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2507-2024
Date of Decision : 31.01.2024

Subash Chander ...Petitioner
versus
State of PunjabRespondent

Coram : HON’BLE MR. JUSTICE DEEPAK GUPTA

Present : Mr. Vinod Ghai, Senior Advocate with
Mr. Arnav Ghai & Ms. Kashish Sahni, Advocates
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

[1] The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.98, dated 23.10.2023 under Sections 18 & 29 of NDPS, Act, registered at Police Station Chamkaur Sahib.

[2] Status report by way of affidavit dated 31.01.2024 of Shri Jatinder Pal Singh, PPS, Deputy Superintendent of Police, Chamkaur Sahib, District Rupnagar, on behalf of respondent-State along with custody certificate dated 30.01.2024 have been filed in Court today. The same are taken on record. Copies thereof supplied to the counsel opposite.

[3] As per the prosecution allegations, secret information was received by the police against petitioner and co-accused Gyan Singh, Amandeep Shukla and Shiv Kumar. Later on, 03 kilograms of opium falling in the commercial category was found from the possession of co-accused

Shiv Kumar.

[4] Learned Senior Counsel contends that no recovery was effected from the petitioner; that name of the petitioner only finds mention in the secret information; that he has been falsely implicated and that he is in custody for the last more than 03 months. Learned Senior Counsel further informs that challan has already been filed.

[5] Learned State Counsel could not refute the aforesaid contention that no recovery was effected from the petitioner and that he has been nominated only on the basis of the secret information.

[6] Custody certificate reveals that the petitioner is in custody for the last 03 months and 07 days, though he is also involved in 01 more case.

[7] Having regard to the above facts and circumstances, particularly role attributed to the petitioner, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

31.01.2024
'Rajneesh'

Whether speaking/ reasoned : Yes/No
Whether reportable : Yes/No