

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-4389-2024 (O&M)

Date of Decision:21.03.2024

Ashok Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Karanjeet Singh Brar, Advocate for the petitioner.

Mr. Adeshwar Singh Pannu, AAG, Punjab

JASGURPREET SINGH PURI J.(Oral)

1.. The present is a second petition filed under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the petitioner in case bearing FIR No.114 dated 05.09.2023 under Sections 15 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Khuian Sarver, District Fazilka.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for about 06 months and 14 days. He further submitted that challan in the present case already stands presented but the charges have not been framed. He further submitted that as per the allegations there was a recovery of 35 kilograms of poppy husk from the petitioner and one other co-accused namely Akash and who has already been granted benefit of bail by the trial Court vide Annexure P-2. He further submitted that the alleged recovery does not fall under the category of commercial quantity and investigation in the present case has already been completed and therefore

the present petitioner may be considered for the grant of regular bail.

3. On the other hand, learned State counsel has stated that it is correct that the petitioner is in custody for about 06 months and 14 days; challan has been presented and the investigation in the present case already stands completed. He further submitted that there was a recovery of 35 kilograms of poppy husk from the petitioner alongwith one co-accused namely Akash and who has already been granted benefit of bail by the Trial Court vide Annexure P-2. He further submitted that the present petitioner is involved in three more cases under the NDPS Act and as such opposed the grant of regular bail to the petitioner.

4. I have heard the learned counsel for the parties.

5. The total custody of the petitioner is about 06 months and 14 days. The alleged recovery from the petitioner including one other co-accused was 35 kilograms of poppy husk. Investigation of the present case has been completed and the challan has already been presented. The mere pendency of other FIRs against the petitioner cannot become a ground for denial of the bail to the petitioner in the present case and particularly in view of the fact that the other co-accused namely Akash has already been granted benefit of bail by the trial Court vide Annexure P-2. Furthermore, it is neither the case of the learned State counsel nor it has been argued that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence. Therefore, considering the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioner.

6. Consequently, the present petition is allowed and the petitioner is

ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)
JUDGE

21.03.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No