

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

216 CRM-M-5745-2023
Date of Decision.:18.01.2024

Raj Kumar @ RajuPetitioner
Vs.
State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Tanvir Joshi, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab
assisted by HC Kulwinder Singh.

DEEPAK GUPTA, J. (ORAL)

Learned counsel for the petitioner has placed on record copy of the order dated 07.04.2022 passed by the Court of learned Additional Sessions Judge, Sirsa to contend that petitioner was allowed bail in case FIR No.125 dated 15.03.2022 registered at Police Station City Dabwali under Section 15/61/85 NDPS Act.

2. The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.247 dated 12.10.2022 registered under Section 15(c) of NDPS Act, 1985 registered at Police Station Canal Colony, Bathinda.
3. As per prosecution allegations, 60 Kg poppy husk was recovered from the custody of the petitioner on 12.10.2022.
4. Learned counsel for the petitioner contends that custody period

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of the petitioner has gone more than 01 year and 03 months and not even a single witness has been examined so far. Though it is conceded that petitioner is involved in four other cases pertaining to NDPS Act but it is submitted that he is on bail on those cases, and in those cases also he was falsely implicated.

5. Learned State counsel has opposed the bail petition by pointing out towards the commercial category of the contraband as recovered from the petitioner and his criminal antecedents. On instructions from HC Kulwinder Singh, it is conceded by learned State counsel that out of 12 witnesses cited by the prosecution, not even a single witness has been examined so far. Petitioner is in custody for the last 01 year 03 months and 03 days as per the custody certificate placed on record, indicating that trial may take time to conclude.

6. Having regard to the above facts and circumstances, 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

January 18, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No