

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

228

CRM-M-6575-2024 (O&M)
Date of Decision:- 01.03.2024

SANJEEV KUMAR ALIAS RINKU

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Dr. Rishi Pal Singh, Advocate for the petitioner.

Mr. Vishal Malik, DAG Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
419	17.06.2023	21-C, 22-C of the NDPS Act; (29 NDPS Act added later on)	Assandh, District Karnal

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He submits that the petitioner was nominated on the basis of disclosure statement made by co-accused Punjab Singh @ Punjabu, who in turn was nominated by co-accused Bakhshish Singh @ Gauri, who was apprehended

at the spot along with narcotic substances. He submits that the said co-accused Punjab Singh @ Punjabu has already been granted the concession of bail by this Court vide order dated 24.01.2024 passed in CRM-M-57870-2023. He further submits that the petitioner has no criminal antecedents and even after his arrest on 21.06.2023, no recovery has been effected from him. He submits that the conclusion of trial will take sufficient long time and as such prays for grant of regular bail to the petitioner.

3. *Per contra*, learned State counsel has opposed the bail petition of the petitioner, however, has admitted that the petitioner is not involved in any other case and no recovery has been effected from the petitioner. He has further submitted that out of 18 witnesses cited by the prosecution, none has examined till date.

4. Heard.

5. After considering the respective submissions and perusing the record, it transpires that the petitioner was nominated on the basis of disclosure statement of co-accused Punjab Singh @ Punjab, who has since been granted the concession of bail by this Court. No recovery has been effected from the petitioner and there is no other case registered against him. Petitioner is languishing in judicial custody since 21.06.2023 and the conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time and no purpose would be served by detaining the petitioner in custody any longer.

6. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be

released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

01.03.2024
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No