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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-6727-2024
Date of decision:-29.08.2024

KULDEEP SINGH @ RANA GHODA
... Petitioner
Versus
STATE OF PUNJAB
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Shivender Pal, Advocate for the petitioner.
Mr. Ankit Grewal DAG, Punjab.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed Custody Certificate dated 28.08.2024, the same is taken on record. Copy thereof, has been supplied to the counsel opposite.

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

FIR No.	Dated	Sections	Police Station
353	15.11.2023	21 and 29 of NDPS Act	STF, District Mohali

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case on the basis of some secret information, however nothing was recovered from the possession



of the petitioner nor the petitioner is having any criminal antecedents. He submits that the petitioner is in custody since 18.11.2023 and the challan has already been presented in the Court, disposal of the trial will take sufficient long time, hence he prays for grant of concession of bail to the petitioner.

5. Learned State counsel referring to the reply submitted by the State has opposed the bail application by submitting that the petitioner had been arrested in this case on the basis of secret information as he was involved in selling of narcotics and on the basis of his disclosure statement two other accused were apprehended. He however, admitted that no recovery was effected from the petitioner in this case nor he is facing any other criminal case. On query the learned State counsel submitted that the prosecution has cited 25 witnesses and out of which only 2 witnesses have been examined so far.

6. After considering the rival contentions and perusing the record, it transpires that the petitioner was arrested in the present case registered on the basis of secret information on 15.11.2023. Admittedly no recovery of contraband has been effected from the petitioner and as per custody certificate the petitioner is not having any criminal antecedents. The petitioner is aged about 20 years, having no criminal antecedents and is not required for further investigation as the challan has already been presented in Court and the prosecution has examined 2 witnesses out of 25 witnesses cited by them. The conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time.

7. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping the petitioner



behind bars any longer. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court 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.

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

(SANJIV BERRY)
JUDGE

29.08.2024

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