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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 6740 of 2024
Date of Decision:-02.04.2024

KALA SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Kulwinder Singh, Advocate
for the petitioner.

Mr. Japjot Singh, AAG, Punjab.

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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 (Annexure P-1): -

FIR No.	Dated	Sections	Police Station
219	16.11.2023	21 (B) of NDPS Act.	City Rampura, Distrtict Bathinda

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that infact no recovery of contraband has been effected from the petitioner and false case has been planted on the petitioner He contends that the petitioner is in custody since 16.11.2023, challan has already been

presented in Court, as such he is not required for further investigation in the matter. He further submits that the reason for planting the present case is the registration of other cases including 2 cases registered under NDPS Act wherein also the petitioner is on bail. He as such prayed for grant of bail.

3. On the other hand learned State counsel has opposed the bail application by arguing that 8 criminal cases registered against the petitioner out of which 2 cases are under NDPS Act. He submits that petitioner is habitual in dealing with narcotics, as such he is not entitled to concession of bail, however he submits that challan has been presented in court and out of 12 witnesses cited by the prosecution none of them have been examined as of now.

4. After considering the respective submissions and perusing the record, it transpires that the present case was registered against the petitioner. As per the case of the prosecution police party while on patrol duty apprehended the petitioner and from his possession 25 gram of heroin was recovered. After conclusion of investigation challan has already been presented in court. The learned trial Court has framed the charges against the petitioner on 08.02.2024 and admittedly none of the witnesses out of 12 witnesses cited by prosecution have yet been examined. The conclusion of trial will take sufficient long time to ascertain the criminal liability, if any of the petitioner. The recovery of the contraband does not fall within the purview of commercial quantity, in these circumstances, no useful purpose would be served by keeping the petitioner behind bars any longer.

5. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind

bars. 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.

6. 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.

7. Anything contained here in above shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

02.04.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |