

2024:PHHC:031032

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-8618-2024
Date of Decision : March 05, 2024

GIRJANAND RAI

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr.Sahil Vashishat , Advocate,
for the petitioner (through V.C.)

Mr. Akshay Kumar, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.186, dated 02.12.2023, under Section 20 of the NDPS Act, registered at Police Station Division No.2, District Ludhiana.

2. Learned counsel for the petitioner submits that petitioner has nothing to do with the alleged recovery of 8 kg of *ganja* recovered from his co-accused namely Bhanu Parkash, which falls within the ambit of non-commercial quantity as prescribed under the NDPS schedule, and he further submits that the present petitioner has been falsely implicated in the present case.

3. He further submits that the co-accused Bhanu Parkash has been granted the concession of regular bail by this Court vide order dated 08.02.2024 in CRM-M-5841-2024.

4. He also submits that the petitioner has already suffered incarceration of about 3 months as on today, and he is not involved in any

other criminal case, and the conclusion of trial will take a long time.

5. Learned State counsel vociferously opposed the asked for relief, and has placed on record a custody certificate *qua* the petitioner, which is taken on record. A perusal of the same reveals that the petitioner has suffered incarceration of 3 months as on today, and he is not involved in any other criminal case.

6. He further submits, on instructions, that after investigation *challan* has been presented on dated 29.01.2024, and out of the total 11 prosecution witnesses cited by the prosecution, no one has been examined till date.

7. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

8. Considering the fact that the quantity of contraband recovered from the present petitioner falls within the ambit of non-commercial quantity, and the co-accused has been granted regular bail by this Court vide order (*supra*) and, the petitioner has suffered incarceration of 3 months as on today, and out of the total 11 witnesses cited by the prosecution in the final report, none has been examined till date, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner, during the pendency of trial. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail, on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

9. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

March 05, 2024

dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. :

Whether Reportable. :

Yes/No

Yes/No