

232 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14872-2024
Decided on:-03.04.2024

Krishan Lal @ Kishan Lal

....Petitioner..

vs.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vishal Sharma, Advocate and
Mr. M.S. Saini, Advocate,
for the petitioner.

Mr. Athar Ahmed, DAG, Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail to the petitioner, pending trial in case FIR No.34 dated 28.02.2023, registered under Sections 15, 21 of the NDPS Act, 1985 and Sections 307, 332, 353, 186, 427 IPC, at Police Station Sujanpur, District Pathankot, Punjab.

2. Learned counsel for the petitioner submits that the petitioner has been implicated for the alleged recovery of 300 grams of “heroin” as well as 50 kgs of “poppy husk”.

3. The prayer made herein has been opposed at the instance of learned State counsel by referring to the recovery involved in the present case which is commercial and the custody of the petitioner is only 1 year & 1 month.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

5. In the present case, investigation already stands concluded with the filing of challan, followed by framing of charges, however, so far, only 01 prosecution witness has been examined out of total 16 witnesses, whereas, the petitioner is in custody for the last more than 1 year & 01 months and the trial is likely to take some time. More importantly, the story put forth in the FIR is highly improbable as in case the petitioner, who was driving Toyota Corolla bearing registration No.PB08AK6517 (colour grey) had even broken the barricades laid by the police, would not have continued to retain the polythene as well as poppy husk kept in the car and could have thrown it away.

6. Considering the aforementioned peculiar facts and exceptional circumstances of the case in hand as well as the fact that the petitioner is not involved in any other case, I do not find any reason to extend the incarceration of the petitioner.

7. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

8. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

03.04.2024
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/ No