



CRM-M-16228-2024 (O&M) -1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-16228-2024 (O&M)
Date of decision: 03.07.2024

RAJEEV SINGH @ TOTAPetitioner

Versus

STATE OF PUNJABRespondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Ashwani Kumar, Advocate and
Mr. Yashdeep Shah, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG Punjab.
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CRM-14391-2024

1. This is an application filed under Rule 3-A(i) Chapter 6 Part B, Vol V of the High Court Rules and Orders for grant of leave to file the present petition.

For the reasons mentioned in the application, same is allowed as prayed for.

Main Case

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
0022	21.02.2023	16, 21 & 22 of NDPS Act	P.S. Maur, District Bathinda

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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 simply because he has been named in the FIR on the basis of some secret information. He further contends that the FIR was registered on 21.02.2023 whereas the petitioner was arrested on 20.01.2024 and that no recovery has been effected from the petitioner. He further contends that he is in custody since then and even the challan has been presented. He further contends that the petitioner is not having any other criminal case registered against him and as such prays for grant of regular bail.

3. Per contra, learned State counsel on instructions from ASI Jagtar Singh, P.S. Maur, District Bathinda has submitted that the challan has already been presented in Court and no recovery has been effected from the petitioner in this case. He has also not disputed the factual matrix of the case.

4. After considering the respective submissions and perusing the record, it transpires that the FIR was registered against the petitioner and other persons on the basis of secret information that they are indulging in sale purchase of narcotics and if the raid is conducted they can be apprehended along with the contraband. Consequently, raid was conducted and some of the accused persons were apprehended, however, admittedly the petitioner was not apprehended at the time of raid. He was arrested on 20.01.2024 and admittedly no recovery of contraband has been effected from him. Since then, the petitioner is in custody and challan has already

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against him. No purpose would be served by detaining the petitioner in custody any longer as the conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time.

5. 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.

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

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

03.07.2024
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(SANJIV BERRY)
JUDGE

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