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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-18088-2024
Date of decision:-03.09.2024

SONU
... Petitioner
Versus
STATE OF PUNJAB
... Respondent

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

Present:- Mr. Dixit Raj Kapoor, Advocate for the petitioner.
Mr. Adesh Pal Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed reply by way of affidavit of Deputy Superintendent of Police, City-1 Patiala dated 18.05.2024, 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
133	08.09.2023	22, 29 of NDPS Act	Division NO.4, (Lahori Gate), Patiala, District Patiala

4. 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

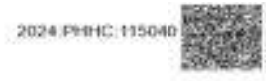


contends that the petitioner was not named in the FIR but was nominated on the basis of disclosure statement of co-accused Ajay Kumar from whom non-commercial quantity of contraband was recovered by the police. He contends that no recovery has been effected from petitioner and he is in custody since 03.01.2024, as such he prays for grant of bail to the petitioner.

5. *Per contra* learned State counsel referring to the reply submitted by the State has assailed these arguments by submitting that the petitioner is having 10 more case registered against him under Excise Act and NDPS Act and if granted bail, he will again indulge in such like crimes, hence he prays for dismissal of the petition.

6. After considering the rival contentions and perusing the record, it transpires that the petitioner although not named in the FIR but was arrested in this case on being nominated on the disclosure statement of co-accused Ajay Kumar from whom 140 gram of intoxicant powder was recovered. Consequent upon his arrest in the present case no recovery has been effected from the petitioner and he is in custody since 03.01.2024, challan has already been presented in Court and conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time. Therefore, pendency of other cases against the petitioner cannot be a ground to decline concession of bail.

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. 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.

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

(SANJIV BERRY)
JUDGE

03.09.2024

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