

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-20318-2024
Date of decision: 14.10.2024

RISHABHPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

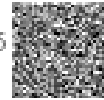
Present:- Mr. Kuldeep Singh Saini, Advocate for the petitioner.
Mr. Jatinder Pal Singh, Sr. DAG, Punjab.

SANJIV BERRY, J.(ORAL)

By way of present petition filed under Section 439 Cr.P.C, the
petitioner seeks regular bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
11	29.02.2024	18, 29 of NDPS Act.	Banur, District Patiala.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is innocent and has been falsely implicated in this case. He further contends that the petitioner is in custody since 29.02.2024 and the alleged recovery effected from the petitioner is of intermediate quantity. The petitioner is not having any criminal antecedents and the challan has already been presented in Court. Hence, prayed for grant of bail to the petitioner.
3. Per contra, learned State counsel has opposed the bail application by arguing that 1.5 kg of opium was recovered from the conscious possession of the petitioner and as such he does not deserve

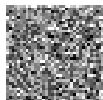


concession of bail and he admitted that no other case is registered against the petitioner and the challan has already been presented in Court wherein 18 witnesses has been cited by the prosecution but none has been examined till date.

4. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution, the police party headed by ASI Mohinder Singh, had apprehended the petitioner on 29.02.2024 at about 8.20 P.M. and from his conscious possession, 1.5 kg of opium was recovered.

5. After completion of investigation, challan was presented in Court wherein the prosecution has cited 18 witnesses out of which none has been examined till date. Admittedly, the recovery of contraband does not fall within the cadre of commercial quantity. Further, as per the custody certificate, the petitioner is not having any criminal antecedents. The challan has already been presented in Court. The conclusion of trial, to ascertain criminal liability of the petitioner, will take sufficient long time and no purpose will be served by detaining the petitioner in custody any more.

6. Consequently, without commenting on the merits of the case, 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/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;



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and not to tamper with evidence of prosecution in any manner.

7. 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.

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

(SANJIV BERRY)
JUDGE

14.10.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |