



213 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-21430-2024
Decided on:-07.05.2024

Taranjeet SinghPetitioner..
vs.
State of PunjabRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ajay Pal Singh Rehan, Advocate for the petitioner.

Mr. Rahul Jindal, AAG, 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 01 year & 2 months.
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 and trial is likely to take some time as none of the prosecution witnesses has been examined so far, whereas, the petitioner is in custody for the last more than 1 year & 02 months. More importantly, the story put forth in the FIR is highly improbable as in case the petitioner, who was driving Innova Car bearing registration No.PB-08-EP-4995 (colour white) 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, especially, no injury at all to the police party. Even otherwise, co-accused of the petitioner, namely, Krishan Lal @ Kishan Lal has already been granted the concession of regular bail by this Court vide order dated 03.04.2024 passed in CRM-M-14872-2024.

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.

07.05.2024

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No