

2024:PHHC:075170



230 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25824-2024
Decided on:-27.05.2024

Rumanpreet Singh @ CholaPetitioner..

vs.

State of PunjabRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Arshdeep Singh Brar, Advocate,
for the petitioner.

Mr. Karuneesh Kaushal, AAG, Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No.227 dated 12.12.2022 registered under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Ludhiana, District Police Commissionerate Ludhiana, whereby the petitioner alongwith one Prakash Singh has been implicated with the allegations of recovery of 5 kgs. of opium.
2. Learned State Counsel vehemently opposes the prayer made on behalf of the petitioner, while referring to the huge recovery involved in the present case, besides the custody period of the petitioner being only about one year and five months.

3. 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.

4. In the present case, the investigation stands concluded with the filing of challan, followed by framing of charges and only two, out of total eleven prosecution witnesses, have been examined so far. The petitioner is behind the bars since 12.12.2022, i.e. for the past about more than one year and five months and the conclusion of trial may take some time. Also, the petitioner is not involved in the case of similar nature.

Equally important, learned counsel for the petitioner has also pointed out that the present is a case of false implication and there was no occasion for the investigating officer who obtained the signature of the son of co-accused Parkash Singh on the Arrest Memo / Intimation Memo, which, as per the prosecution, were prepared at the spot.

Besides above, even as per the prosecution story, the alleged recovered 5 kgs. of opium was being carried in a transparent polythene bag and that too not being recovered from the conscious possession of the petitioner and co-accused, but as per the FIR, it was lying / fallen on the ground. Moreover, similarly situated co-accused namely, Parkash Singh has already been granted the concession of regular bail by this Court vide order dated 01.05.2024 passed in CRM-M-3212-2024.

5. Considering the aforesaid facts, I do not find any justification to extend the incarceration of the petitioner.

6. In view of the above, but without commenting upon merits of the present petition, the same is allowed. The petitioner is ordered to be released on bail subject to his furnishing adequate bail bonds / surety bonds to the satisfaction of the Trial Court/Illaq Magistrate/Duty Magistrate concerned.

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

27.05.2024

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(HARKESH MANUJA)
JUDGE

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