

CHATAR SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Rajiv Kumar Saini Advocate
for the petitioner.
Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed custody certificate dated 07.12.2024, the same is taken on record, copies thereof, have 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 (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
26	19.03.2024	21 (b) of NDPS Act (29/27-A of NDPS Act and Section 25 Arms Act added later on)	Kalanaur, District Gurdaspur

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent has been falsely implicated in this case. He contends that as per the allegations levelled in the FIR, the petitioner was



riding the motorcycle driven by co-accused Love Khokhar which was apprehended by the police and 115 gram of heroin was recovered from the conscious possession of the present petitioner, who was accordingly arrested. He contends that the petitioner is in custody since 19.03.2024, challan has already been presented in Court after completion of investigation and it will take sufficient long time for the disposal thereof. The petitioner is not having any other criminal case registered against him. Hence, prayed for grant of bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has contested the bail application by arguing that the recovery of 115 gram of heroin was effected from the conscious possession of the petitioner when apprehended by the police, as such he is not entitled to concession of bail. He, however, admitted the presentation of challan, wherein 16 witnesses have been cited by the prosecution but none has been examined.

6. After considering the rival contentions and perusing the record, it transpires that as per the case of the prosecution the police party had apprehended the motorcycle driven by Love Khokhar where as the petitioner was pillion rider and as such recovered 115 gram of heroin from the possession of the petitioner. The petitioner is in custody since 19.03.2024. After completion of investigation, challan has already been presented in Court, wherein the prosecution has cited 16 witnesses and till date none of the witness has been examined. The conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner

7. Resultantly, without commenting on the merits of the case, it is

observed that no purpose would be served by keeping petitioner behind bars. 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.

10. Pending application(s) if any, also stands disposed of.

(SANJIV BERRY)
JUDGE

10.12.2024

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