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IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M-27011-2024  
Date of decision:-16.10.2024

VIRENDER SINGH ALIAS BABBU

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Manoj R. Sharma, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

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SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 14.10.2024, the same is taken on record, copy thereof has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Criminal Procedure Code 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 NDPS Act and 25 of Arms Act added later on vide GD No. 35 dated 21.03.2024. | Kalanpur, District Gurdaspur |

3. Arguments heard.



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 petitioner is in custody since 13.04.2024 on the allegations of having kept in his possession 5 grams of heroin. He submits that challan has already been presented in Court and conclusion thereof will take sufficient long time, hence prayed for grant of bail to the petitioner.

5. *Per contra*, learned State counsel has not disputed the factual matrix qua the recovery of 5 gram of heroin from the petitioner and prayed for dismissal of the bail petition.

6. After considering the rival contentions and perusing the record, it transpires that the petitioner was nominated in the FIR on the disclosure statement of co-accused Love Khokhar claiming to have purchased heroin from the petitioner and consequently petitioner was arrested in this case on 13.04.2024 and 5 gram of heroin was allegedly recovered from him. The recovery of contraband from the petitioner does not fall within purview of commercial in nature. After completion of investigation, challan has already been presented in Court. The conclusion of trial, to ascertain criminal liability, if any of the petitioner in the present case, will take sufficient long time.

7. In these circumstances, 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. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)  
JUDGE

16.10.2024  
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|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |