

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

219

CRM-M-32119-2024 (O&M)
Date of Decision:- 14.08.2024

RAJINDER SINGH ALIAS GORA

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Harjot Goyal, Advocate for
Mr. Monty Goyal, Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
64	16.04.2024	21, 21-C NDPS Act; (29 NDPS Act added later on)	Special Task Force, District STF Wing (Mohali)

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He submits that the petitioner is not named in the FIR but has been nominated in the alleged disclosure statement made by co-accused Neeraj Kumar from whom recovery of contraband has been effected. He further submits that



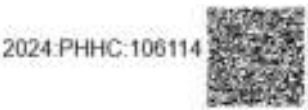
even during the course of investigation and interrogation of the petitioner after his arrest on 17.04.2024, no recovery has been effected from the petitioner. Thus prays for grant of regular bail to the petitioner.

3. Learned State counsel has produced the custody certificate of the petitioner dated 13.08.2024 and has not disputed the factual matrix on the basis of *pairvi* report received by him and admits that no recovery has been effected from the petitioner in the present case.

4. Heard.

5. After considering the respective submissions and perusing the record, it transpires that one Neeraj Kumar was apprehended by the Police from whom recovery of 760 grams of heroin was effected. Admittedly, the petitioner was not named in the FIR but his name surfaced in the disclosure statement of said co-accused Neeraj Kumar. The petitioner was arrested on 17.04.2024 and no recovery of any contraband has been effected from him. As per the custody certificate, the petitioner is in custody for the last 3 months and 25 days and the conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time and no purpose would be served by detaining the petitioner in custody any longer especially when no recovery has been effected from him.

6. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on duty 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.

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

8. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

14.08.2024
S.Sharma(syr)

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