

206

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 35984 of 2023
Date of Decision:-20.01.2024

RINKU

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. R.K. Saini, Advocate for
Mr. Sachin Ohri, Advocate for the petitioner.

Mr. Harpreet Singh, Addl. AG. 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 (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
30	10.05.2023	21(A), 27(A) of NDPS Act, 61.1.14/78(2) of Punjab Excise Act, 1914	Behrampur, District Gurdaspur

2. In *nutshell*, brief facts of the case are that on 10.05.2023, police party while on patrolling intercepted and on suspicion apprehended the petitioner, who was on scooter and on search 5.5 grams of heroin and 20 bottles of illicit liquor along with Rs. 16,500/- were recovered from him, and hence the FIR.

3. 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 submits that petitioner was apprehended and alleged recovery of 5.5 grams of heroin and 20 bottles of illicit liquor along with Rs. 16,500/- were made from the petitioner. He submits that the recovery of contraband is non-commercial in nature, petitioner is in custody since 10.05.2023, challan has been presented in Court, charges have been framed and out of 13 witnesses cited by the prosecution only 1 witness has been examined till date, as such he prays for grant of concession of bail to the petitioner.

4. On the other hand learned State counsel has opposed the bail application by arguing that contraband was recovered from the petitioner, and considering the nature and gravity of the offence he is not entitled to concession of bail. However, he has admitted that the recovery of contraband is non commercial in nature and out of 13 witnesses cited by the prosecution only 1 witness has been examined till date.

5. After considering the respective submissions and perusing the record, admittedly petitioner was apprehended on 10.05.2023 on the spot and recovery of 5.5 grams of heroin was effected from him which is non commercial in nature. Challan has already been presented in Court, charges have been framed and out of 13 witnesses cited by the prosecution only 1 witness has been examined till date. The conclusion of trial will take sufficient long time to ascertain the criminal liability, if any of the petitioner which will take sufficient long time and no useful purpose would be served by keeping the petitioner behind bars any longer.

6. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in 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.

7. The petition stands allowed.

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 Anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

20.01.2024

Gyan

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