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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-51766-2023 (O&M)
Date of Decision:- 05.12.2024

RAVI KUMAR @ RAVI

Versus

....Petitioner(s)

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. J.S. Sandhu, 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 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
103	15.12.2022	21(c) and 23 of the NDPS Act; 25 of the Arms Act	Khui Khera, District Fazilka

2. 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 the petitioner is not involved in any transaction as has been alleged in the FIR nor he has any concern with the same. He further contends that the petitioner is not named in the FIR but has been nominated



in the alleged disclosure statement of co-accused Sukhdev Singh. He submits that consequent upon the arrest of the petitioner on 16.12.2022, no recovery of any contraband had been effected from him except for ₹5 lakhs, which does not have any connection with the alleged recovery from co-accused Sukhdev Singh. He further submits that similarly situated co-accused has been granted the concession of bail by this Court vide order dated 15.09.2023 passed in CRM-M-43820-2023. After the completion of investigation challan has been presented before the learned trial Court, wherein 30 witnesses have been cited by the prosecution and it will take sufficient long time for the conclusion of the trial. Thus prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the reply submitted by the State and on instructions from the Investigating Officer of the case present in Court has opposed the petition by arguing that huge recovery of 2.650 kgs of heroin was effected in the border area, which was getting smuggled along with Aadhaar card of co-accused Sukhdev Singh, who was subsequently arrested and on his disclosure statement, the name of the petitioner was nominated to be one of the accomplice. He submits that consequent upon the arrest of the petitioner on 16.12.2022, ₹5 lakhs drug money has been recovered from him, however, he has admitted that no recovery of contraband was effected from him.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it is observed that in the present case, the recovery of heroin was effected



from co-accused Sukhdev Singh and the petitioner has been nominated on his disclosure statement. Upon his arrest on 16.12.2022, no contraband has been recovered from him except for ₹5 lakhs, which according to Police is drug money, but at this stage, there is nothing on record to substantiate it and the same is question to be ascertained after trial. Admittedly, after the completion of investigation, challan has been presented in Court, wherein 30 witnesses have been cited by the prosecution. Therefore, considering the fact that the name of the petitioner has been nominated on the basis of disclosure statement of co-accused coupled with the fact that no recovery of any contraband has been effected from him and the similarly situated co-accused has been granted the concession of bail, no purpose would be served by detaining the petitioner any longer as the criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time,

6. Consequently, 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/Duty Magistrate concerned, if not required in any other case. The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.



- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

7. 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.

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

9. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

05.12.2024
S.Sharma(syr)

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