

113+243

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-52864 of 2023(O&M)
Date of decision:-29.02.2024

RANJEET SINGH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present:- Mr. Kuldeep Singh Siwach, Advocate
for the petitioner.
Mr. Vishal Malik, DAG, Haryana.

SANJIV BERRY, J. (ORAL)

CRM-9518-2024

1. The instant application is for adding Section 201 IPC in the head note as well as prayer clause of the main petition.
2. Heard.
3. The application is allowed.
4. Registry is directed to carry out necessary correction in the head note as well as prayer clause of the main petition.

Main case

1. 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 :-

FIR No.	Dated	Sections	Police Station
147	24.07.2023	201 IPC and 21(c), 29 of NDPS Act	Baragudha, District Sirsa

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 is neither named in the FIR nor has any concern with the alleged transactions. Petitioner was nominated on the disclosure statement of accused Satbir from whom 300 grams of heroine has been recovered. He contends that the petitioner has no concern with the said Satbir and even after arrest on 03.09.2023, no recovery has been effected in the present case from the petitioner. He submits that, although, one more case was registered against the petitioner for recovery of 7 gram of heroine but he is on bail therein. He submits that challan has been presented in Court and conclusion of trial will take sufficient long time, as such he prays for grant of concession of bail to the petitioner.

3. Per contra, learned State counsel has not disputed the factual matrix of the case but prayed for dismissal of the bail application considering that the petitioner is having one more case pending under NDPS Act, however he has not disputed that the petitioner is on bail therein.

4. After considering the rival contentions and going through the record, it transpires that the petitioner was nominated in this case on the disclosure statement of co-accused Satbir from whom recovery of 300 grams of heroine was effected. After being nominated, petitioner was arrested on

03.09.2023 but no recovery has been effected from him. Challan has already been presented in Court, charges have been framed and it is pointed out by learned counsel for the State that out of 14 witnesses cited by the prosecution none of them have been examined till date. The conclusion of trial to ascertain criminal liability, if any, of the petitioner would take sufficient long time and no purpose would be served by keeping petitioner in custody any longer.

5. 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.

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

(SANJIV BERRY)
JUDGE

29.02.2024

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