

223

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-52296-2024 (O&M)
Date of Decision:- 08.11.2024

KULDEEP SINGH @ MITHI

Versus

....Petitioner(s)

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Dinesh Trehan, Advocate
for the petitioner (appearing through VC).

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Status report dated 05.11.2024 filed in the form of an affidavit of Deputy Superintendent of Police, SD Jagraon, District Ludhiana (Rural) is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
156	07.09.2024	15, 25 and 29 of the NDPS Act	Sidhwan Bet, District Ludhiana



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 with alleged recovery of 2 kg of poppy husk. He contends that the recovery is not commercial and the petitioner, aged 30 years, is in custody since 07.09.2024 and the conclusion of trial is likely to take sufficient long time, hence prayed for grant of bail.

5. *Per contra*, learned State counsel while referring to the status report submitted by the State has opposed the petition and stated that the petitioner is a habitual offender having 8 more cases registered against him, thus, he is not entitled for concession of bail.

6. After considering the rival contentions and perusing the record, it transpires that as per the case of the prosecution, the petitioner was apprehended by the police party and from his possession 1 bag containing 2 kg poppy-husk was recovered and accordingly he was arrested. Admittedly, the recovery does not fall within the purview of commercial quantity and so far as the other cases mentioned in the status report are concerned, out of 8 cases, he has been acquitted in 2 cases and convicted in 3 cases and in the remaining cases, he is on bail. The last case registered against the petitioner happens to be in the year 2019 registered under Section 61 of the Excise Act, which is under trial. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

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

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

(SANJIV BERRY)
JUDGE

08.11.2024
S.Sharma(syr)

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