



212

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-52882-2024**Date of Decision: 05.12.2024**

Ashok Kumar

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Vipul Aggarwal, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.180 dated 06.08.2024 registered under Sections 21(C), 25, 29 of NDPS Act, 1985 (Sections 27-A, 61, 85 of NDPS Act added later on), at Police Station Gharinda, District Amritsar Rural.

2. Learned counsel for the petitioner contends that as per case of the prosecution, two co-accused, namely, Jatinder Singh and Lovepreet Singh were apprehended by the police, while they were having 1 kg of Heroin in their conscious possession without any permit or licence. The petitioner was neither named nor there was any averment, which connects the petitioner with the crime. The petitioner was later on nominated as an accused on the basis of the disclosure statement suffered by co-accused Lovepreet Singh and after his arrest, no recovery was effected from him. He further contends that the petitioner is in custody since 27.09.2024 and was never involved in any other



criminal activity. He further contends that after completion of investigation, challan has already been presented against him.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

4. I have heard the learned counsel for the parties and perused the record.

5. The petitioner is in custody for the last almost 04 months and after conclusion of the investigation, challan has already been presented against him. Thus, there is no possibility of early conclusion of the trial and the custody of the petitioner will not serve any meaningful purpose.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

05.12.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No