

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-56459-2023
Date of decision: 22.02.2024

Sunil Kumar @ AshuPetitioner.

Versus

State of PunjabRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. A.S. Prajapati, Advocate,
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

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SANJIV BERRY, J. (ORAL)

1. Custody certificate dated 21.02.2024 filed by learned State counsel in Court today is taken on record. Copy thereof supplied to learned counsel for the petitioner as well.
2. Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR (Annexure P-1). Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
58	19.09.2023	21, 27-A of NDPS Act (29 NDPS Act added lateron)	Kotli Surat, Mallian, Police District Batala, District Gurdaspur, Punjab.

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 contends that the petitioner is in custody since 19.09.2023 and no other case is pending against the petitioner.

4. *Per contra*, learned State counsel, submits that petitioner is not entitled for concession of bail on the ground that 05 grams of heroin of non commercial quantity has been effected from him. He further contends that challan in this case has not been presented till date. However, he does not dispute the factual matrix of the case.

5. Considering the respective arguments and perusing the record, it transpires that the petitioner is in custody since 19.09.2023; challan has not been presented in this case and the petitioner is not having any criminal antecedents, the conclusion of trial in the present case will take sufficient long time and in these circumstances, it is observed that no purpose would be served in detaining the petitioner in custody any longer to face the incarceration till the conclusion of trial. Accordingly, without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

6. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his

exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

8. Petition stands allowed.

9. Pending miscellaneous application, if any, also stands disposed of.

22.02.2024
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(SANJIV BERRY)
JUDGE

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