



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

213

CRM-M-7332-2025

Date of decision: February 14th, 2025

Akashdeep Singh Kashu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Bhunesh Lakhera, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed by the petitioner seeking the concession of regular bail in FIR No.172 dated 23.09.2023 registered under Sections 399, 402, 216, 307 of the Indian Penal Code, 1860, Section 25 of the Arms Act, 1959, Sections 21, 29 of the NDPS Act, 1985 (Section 21 converted to Section 22 of the NDPS Act), at Police Station Sadar, Tarn Taran.

2. Learned counsel for the petitioner contends that the petitioner has been in custody since 23.09.2023 on the allegations that he was part of a gang which has been indulging in criminal activities like snatching, robbery and offences under the NDPS Act. It has been contended that the petitioner was alleged to have been apprehended with *datar* on a secret information, however, even as per the case of the prosecution other than that his presence being shown

along with the co-accused at the relevant time, no other role much less any injury has been attributed to him. He further submits that in fact it has been alleged in the FIR in question that one of the co-accused Avtar Singh @ Sahil had fired towards Inspector Prabhjit Singh, however, Inspector Prabhjit Singh did not receive any injuries at the hands of co-accused Avtar Singh @ Sahil. It has been further contended that after the co-accused Avtar Singh @ Sahil was arrested pursuant to his disclosure statement, recovery of 310 grams of heroin was made, no such recovery of any contraband much less heroin, was made from the petitioner. Learned counsel for the petitioner has still further asserted that although as per the case of the prosecution, a secret information was received that the petitioner was part of a gang which was involved in criminal activities, however, it is a matter of record that petitioner has no previous criminal antecedents which clearly points to his false implication in the present case. It has also been argued by learned counsel that since investigation in the present case is complete and charges were framed thereafter on 28.08.2024, further incarceration of the petitioner would serve no useful purpose as the possibility of trial concluding in the near future looks remote with only one out of the 21 prosecution witnesses having been examined till date.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner has not disputed that the petitioner has been in custody since 23.09.2023 and till date only one prosecution witness has been

examined out of the 21 witnesses cited. Learned State counsel has also not disputed that no role much less any specific injury has been attributed to the petitioner, and it was only co-accused Avtar Singh @ Sahil, who had allegedly fired towards Inspector Prabhjit Singh, and the said Inspector had not sustained any injuries in the occurrence in question. On a pointed query posed to the State counsel, as to whether any recovery of contraband had been made from the petitioner, he on instructions, has replied in the negative.

4. It has also been submitted that recovery of 310 grams of heroin was not effected from the petitioner but from a house of co-accused Akashdeep Singh @ Mota, which is under construction.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has been in custody since 23.09.2023 and till date only one prosecution witness out of the 21 cited has been examined. The petitioner is not stated to be involved in any other criminal case much less under the NDPS Act. The possibility of the trial concluding in the near future looks remote.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed hereinabove shall

not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of same.

February 14th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No