



245

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-9730-2024
Date of decision:-13.02.2025

SHAVAN KUMAR
Versus
STATE OF PUNJAB
... Petitioner
... Respondent

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

Present:- Mr. Dilpreet Singh Gandhi, Advocate for the petitioner.
Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Criminal Procedure Code, for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
238	09.08.2023	21 (C), and 29 of NDPS Act	Special Task Force, District STF Wing, Amritsar

2. Arguments heard.
3. Brief facts of the case are that on 09.08.2023 while police party was on patrolling duty, conducting checking of vehicles, spotted one white colour car carrying 4 young men, was signalled to stop but instead of stopping they tried to run away backside, two young men sitting at the back seat run away from the spot and present petitioner and co-accused were apprehended at the spot and on checking recovery of 255 grams of heroin



was effected from the possession of the present petitioner. Hence FIR was registered.

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. He contends that the petitioner has no concern with the alleged recovery and the same is planted by the police. He contends that even otherwise the alleged recovery effected from the petitioner is marginally higher than the non commercial quantity. He contends that the petitioner is not having any criminal antecedents and is in custody since 09.08.2023, after completion of investigation challan has already been presented in Court, wherein prosecution has cited 14 witnesses and till date only 5 witness have been examined. Hence prayed for grant of concession of regular bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State, has assailed these arguments by submitting that 255 grams of heroin was recovered from the possession of the petitioner, as such, he does not deserve concession of bail. However, he has not denied the fact that challan has been presented for trial in which prosecution has cited 14 witnesses and till date only 5 witnesses have been examined in the trial Court.

6. After considering the rival contentions and perusing the record, it transpires that the petitioner is in custody since 09.08.2023 and after completion of investigation, challan has already been presented in Court wherein prosecution has cited 14 witnesses and till date only 5 witnesses

have been examined in the learned trial Court. Therefore, keeping in view the assertion made by learned counsel for the petitioner (supra) and also the fact that the conclusion of trial to ascertain criminal liability, if any will take sufficient long time, no purpose would be served by detaining the petitioner any longer.

7. Resultantly, in these circumstances, without commenting on the merits of the case, 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.

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 application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

13.02.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |