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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-23577-2024
Date of decision:-04.04.2025

RAJIV KUMAR ALIAS RAJIV

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. P.S. Sekhon, 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 Cr.P.C for grant of regular bail in the following case (Annexure
P-1):-

FIR No.	Dated	Sections	Police Station
145	25.09.2023	21-C and 29 of NDPS Act	City Patti, District Tarn Taran

2. Arguments heard.
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 even otherwise the alleged recovery effected from the petitioner marginally higher than the non commercial quantity with which the petitioner has no concern and the petitioner was arrested on 25.09.2023 since then he is in custody. He contends that after completion of investigation challan has already been presented in Court, wherein prosecution has cited 16



witnesses and till date none of them have been examined. Hence prayed for grant of concession of regular bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State, has assailed these arguments by submitting that petitioner and co-accused Sajjan Kumar were apprehended and from their bags 260 grams and 265 grams of heroin was respectively recovered, which falls within the purview of commercial quantity, as such, petitioner does not deserve concession of bail. However, he has not denied the fact that after completion of investigation challan has been presented for trial, wherein prosecution has cited 16 witnesses and till date none of them have been examined.

5. After considering the rival contentions and perusing the record, it transpires that during patrolling, on 25.09.2023 police party apprehended petitioner and co-accused Sajjan Kumar were apprehended and from their bags 260 grams and 265 grams of heroin was respectively recovered. Consequently, the petitioner was arrested on 25.09.2023 and after completion of investigation, challan has already been presented in Court wherein prosecution has cited 16 witnesses and till date none of them have been examined. Admittedly, the recovery effected from the petitioner is 260 grams of heroin which is marginally higher than the non commercial quantity. The conclusion of trial to ascertain criminal liability, if any, of the petitioner, will take sufficient long time, as such, no purpose would be served by detaining the petitioner any longer.

6. 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.

7. 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.

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

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

(SANJIV BERRY)
JUDGE

04.04.2025

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