



248-2

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-31599-2024
Date of decision:-26.03.2025

ASHU SACHDEVA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Ashu Sachdeva, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 25.03.2025,the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. 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
164	12.08.2023	21 (C), 29 of NDPS Act	City Phagwara, District Kapurthala

3. Arguments heard.

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 petitioner was not named in the FIR but was nominated on the disclosure statement of co-accused Tejvir Singh @ Rishu from whom



recovery of contraband was effected. He contends that petitioner has no concern with the alleged contraband. He contends that petitioner was arrested on 12.01.2024 since then he is in custody. He contends that after completion of investigation challan has already been presented in Court, wherein prosecution has cited 12 witnesses and till date only 2 witnesses 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 opposed the bail petition by submitting that petitioner is involved in the business of narcotics as such he is not entitled to concession of bail. However, he has not disputed that after completion of investigation challan has been presented for trial, wherein prosecution has cited 12 witnesses and till date only 2 of them have been examined.

6. After considering the rival contentions and perusing the record, it transpires that during patrolling, two persons were seen carrying one black colour bag on his shoulder, on seeing police party one person threw plastic envelope on road. Police party apprehended them and one of them disclosed his name as Tejvir Singh @ Rishu and another as Rohit Kumar and on search of plastic envelope recovery of 255 grams of heroin was effected. During investigation, co-accused Tejvir Singh @ Rishu disclosed the name of the present petitioner as seller of contraband. Consequently, the petitioner was arrested on 12.01.2024 and after his arrest no recovery of contraband was recovered from him. After completion of investigation, challan has already been presented in Court wherein prosecution has cited 12 witnesses and till date only 2 witness have been examined. The conclusion of trial to



ascertain criminal liability, if any, of the petitioner, 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

26.03.2025

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