

**223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.32000 of 2016

Date of decision: September 14, 2016

Satish Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Preetwinder S. Dhaliwal, Advocate
for the petitioner.

Mr. R.P.S. Sidhu, AAG, Punjab
for the respondent-State.

JASPAL SINGH, J.(ORAL)

By virtue of the instant petition preferred under Section 439 of Code of Criminal Procedure by Satish Kumar seeking regular bail in case FIR No.65 dated 11.06.2014, under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station, Barnala, District Barnala.

Shortly put, the case of the prosecution is that police party headed by SI Baljeet Singh was on patrolling duty in the area of Handiaya on 11th June, 2014. At about 11:30 am, SI Baljeet Singh received a secret information to the effect that two jute bags containing intoxicant medicines are lying near the bridge of a minor canal. In the meanwhile, Darshan Dass, DSP Head Quarter also arrived at spot and the raid was conducted. On search of one of the jute bag, boxes of tablets were recovered and on further search of the bags, tablets marka Alrest-05 were recovered. The total boxes were 62 in number and each box was containing 600 tablets i.e. total 37200. The search of the another bag led

to the recovery of 154 boxes of intoxicant tablets, which on further search came to the tune of 15400 tablets.

During investigation, it came to the light by way of the statement of Chamkaur Singh that the recovered medicines/intoxicants belong to the petitioner. The statement made by Chamkaur Singh to the police is to the effect that two young persons, namely, Ajay Kumar and Goga Singh were heard while having conversation with each other that the intoxicant material/medicines belong to the petitioner who is indulging in the selling of the intoxicant substance(s). Further that, he used to purchase intoxicant substance(s) from them. Except the aforesaid bald statement of Chamkaur Singh, there is no other evidence to connect the petitioner with the alleged recovery of the intoxicant material/substance. Even Ajay Kumar and Goga Singh have also been nominated as accused along with the petitioner. It is a matter of evidence and the evidentiary value of statement of Chamkaur Singh would be seen by the trial Court as and when he appears as a witness. Moreover, the recovery was effected from the open place which was never pointed out by the petitioner.

It is also an undisputed fact that after the name of the petitioner emerged during the investigation of the case as an accused, he was arrested on 27th May, 2014. Since then, he has been suffering incarceration. After completion of the investigation, report under Section 173(2) Cr.P.C. has already been presented and the Judge Special Court is already seized of the matter. The disposal of the trial would certainly take sufficient long time keeping in view the number of witnesses to be examined by the prosecution. It is also not in dispute that the co-accused of the petitioner, namely, Ajay Kumar and Goga Singh have already been

granted the concession of regular bail by the trial Court.

Taking into consideration the aforesaid aspects of the case but without expressing any opinion on merits, petition is allowed and petitioner is ordered to be released on bail on his furnishing requisite bonds at the satisfaction of the concerned trial Court/Duty Magistrate.

September 14, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No