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

CRM-M-41495 of 2019

Date of decision: October 03, 2019

Amarjit Singh @ Jeeta

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rajesh Kumar Dadwal, Advocate for the petitioner.

Mr. V.G. Jauhar, Senior DAG Punjab.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.0145 dated 10.10.2017, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'Act'), registered at Police Station Balachour, District Shaheed Bhagat Singh Nagar, Punjab.

As per prosecution case, contraband was recovered from the possession of co-accused, namely Gurjinder Singh.

Contends that petitioner is in custody since 24.03.2019 and neither he has been named in the FIR; nor any recovery has been effected from him, rather, alleged contraband, i.e. 372 grams of intoxicant powder and three injections were recovered from the co-accused-Gurjinder Singh. Also contends that on the basis of disclosure statement of said co-accused, petitioner along with two other co-accused, namely Jatinder Singh and Pardeep Kumar have been nominated. Further contends that co-accused-

Pardeep Kumar has already been granted the concession of pre-arrest bail by this Court, on 08.03.2018. Also contends that even the charges are yet to be framed in this case, thus, the trial will take long time to conclude.

Learned State counsel, on instructions from ASI Attar Singh, has acknowledged the above factual position and stated that now the case is fixed for 22.10.2019 for consideration of charge(s), in this case.

Heard both sides and perused the paper-book.

Since no recovery has been effected from the petitioner and he is in custody since 24.03.2019, even charges are yet to be framed, and co-accused, namely Pardeep Kumar, having similar allegations, has already been granted concession of pre-arrest bail by this Court; therefore, further incarceration of the petitioner would not serve any purpose.

In view of the above, this petition is allowed. Petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

The petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)
JUDGE

October 03, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No