

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

216

CRM-M-47797-2019

Date of decision: 10.12.2019

Chamkor Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Akhilesh Vyas, Advocate for the petitioner.

Mr. Arun Kaundal, DAG, Punjab.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present first petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.61 dated 07.07.2018 under Sections 304 and 120-B of the Indian Penal Code, 1860 (for short, "IPC") and Section 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Khilchian, District Amritsar (Rural).

Mr. Arun Kaundal, DAG, Punjab has appeared on behalf of the respondent-State and filed reply by way of affidavit of Harkrishan Singh, PPS, DSP Sub-Division Baba Bakala Sahib, District Amritsar Rural.

I have heard learned counsel for the petitioner and learned State counsel and gone through the record.

Learned counsel for the petitioner has argued that the petitioner was not named in the FIR. He has been falsely implicated in the present case on the basis of supplementary statement of the complainant Ninder Kaur and disclosure statements of co-accused

Amandeep Singh, Avtar Singh and Simarjit Singh. No narcotic substance was recovered from possession of the petitioner. Disclosure statements of co-accused do not constitute substantive evidence against the petitioner. Averments made in the supplementary statement of the complainant constitute improvement and are yet to be deposed to by the complainant in the Court. In similar case registered vide FIR No.59 dated 04.07.2018 under Sections 304, 201 and 120-B of the IPC at Police Station Khilchian, District Amritsar by this Court vide order dated 29.10.2019 Trial is likely to take long time. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State counsel has argued that the petitioner is a habitual offender and a drug peddler. The petitioner is accused of having committed heinous crime and does not deserve the concession of grant of regular bail. Therefore, the petition may be dismissed.

In reply to the arguments of learned State counsel, learned counsel for the petitioner has submitted that the petitioner has been granted bail in other cases pending against him.

Keeping in view the facts and circumstances of the case, particularly the facts referred to in arguments of the learned counsel for the petitioner and also the facts that the petitioner has been granted bail in similar case registered vide FIR No.59 dated 04.07.2018 under Sections 304, 201 and 120-B of the IPC at Police Station Khilchian, District Amritsar by this Court vide order dated 29.10.2019 and that the trial is likely to take long time but without commenting on merits of the case, I am of the considered view that the petitioner deserves the

concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the Trial Court/Chief Judicial Magistrate, Amritsar.

10.12.2019

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No