

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49680-2019

Date of Decision: 29.11.2019

Hardeep Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Preetinder Singh Dhaliwal, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner Hardeep Singh has filed this petition under Section 439 Cr.P.C. for grant of regular bail in a case FIR No.129 dated 25.07.2019 under Sections 21 and 22 of the NDPS Act, 1985, registered at Police Station Dhanoula, District Barnala. He is in custody since his arrest on 25.07.2019.

The FIR was registered on the basis of secret information, wherein it was informed that Gagandeep @ Gagi, Lakhwinder Singh @ Lakha and Hardeep Singh @ Nikka used to bring narcotic vials and tablets from the outer districts and sell them in City Dhanoula. As per the information, the said accused were rounding near Kaleke Bhikhi Dhanoula road and were having black bag with narcotic vials and tablets. Acting upon the same, a naka was laid and 22 vials of RC kuff were recovered from them.

Learned counsel for the petitioner contends that the FIR was registered on the basis of secret information without effecting any recovery. He submits that the recovery was effected from open place, which is accessible to all and the contraband was not found in conscious possession

of the petitioner. It is submitted that according to the prosecution itself, the contraband was lying on the ground by the road side and three persons including the petitioner and two other co-accused were standing there. He further submits that the trial of the case is likely to consume considerable time and, therefore, further custody of the petitioner may not be justified. He further submits that co-accused of the petitioner, namely, Lakhwinder Singh @ Lakha has already been extended the concession of regular bail by this Court vide order dated 26.11.2019 passed in CRM-M-44133-2019.

On the other hand, learned State counsel assisted by ASI Balkar Singh has opposed the prayer on the ground that challan is yet to be filed, however, it is not disputed that the said contraband was lying on the ground and three accused persons were standing by the road side. It is also not disputed that the co-accused of the petitioner has been extended the concession of regular bail.

After hearing learned counsel for the parties, this Court is of the opinion that trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, his further custody may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Barnala.

The petition is allowed.

29.11.2019
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No