

219-A

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53701-2018
Date of decision-14.01.2019

Ranjit Singh @ Jeeta

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gaurav Mohunta, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Ranjit Singh @ Jeeta son of Bhajan Singh has filed this petition under Section 439 of Code of Criminal Procedure for grant of regular bail in case FIR No.184 dated 24.06.2017 under Section 22 (later on added Section 29) of Narcotic Drugs and Psychotropic Substances Act, 1985 Act (61 of 1985) (in short 'NDPS Act') at Police Station Nakodar Sadar, Jalandhar.

It is mentioned in paragraph 3 of the petition that the petitioner was taken into custody on 28.06.2017. It is argued by learned counsel for the petitioner that the petitioner is neither named in the FIR nor any recovery of the contraband has been effected from him and has been indicted only on the basis of disclosure suffered by co-accused, namely, Kuldeep Singh.

This Court vide order dated 11.12.2018, granted interim bail to the petitioner and the order reads as under:-

“It has been submitted that recovery of 125 grams of Alprazolam was effected from Kuldeep Singh son of Harbhajan Dass who has now been granted interim regular bail by this Court vide order dated 4.10.2018 passed in CRM-M-41024-2018. The petitioner was neither arrested from the spot nor any recovery was effected from him. He was implicated solely on the basis of disclosure statement of the co-accused in which he disclosed that the recovery of contraband has been effected from him. Reliance has been placed upon the statement of material witness i.e. SI Sukhdev Singh Investigating Officer wherein he admitted in following words : - “Nothing was recovered from the constant possession of accused Ranjit Singh. Except the alleged disclosure statement of co-accused either is not evidence against accused Ranjit Singh. The accused Ranjit Singh was in police custody, when his disclosure statement was recorded.

“Nothing was recovered in pursuance of alleged disclosure statement in the present case. No alleged consideration amount has been recovered in the present case from accused Ranjit Singh. It is incorrect to suggest that accused Ranjit Singh has been falsely implicated.”

Keeping in view the above, the petitioner is also entitled to the concession of interim regular bail. It is ordered that the petitioner be released on interim bail to the satisfaction of the learned trial Court subject to imposition of appropriate precautionary conditions.

To be heard along with CRM-M-41024-2018.”

On the other hand, learned State counsel has opposed the bail application on the ground that the petitioner is co-accused of Kuldeep Singh, who was having in his possession the commercial quantity of contraband 125 gram intoxicant powder containing alprazolam. However, it is not disputed that the petitioner never misused the concession of interim bail and has not indulged in any other similar offence.

It is not disputed that the evidence of Investigating officer already stands recorded before the trial Court as noticed in the order dated 11.12.2018.

Considering the order dated 11.12.2018, whereby concession of interim bail stood granted to the petitioner, it will be inappropriate at this stage to send him in custody again, as the trial is likely to consume considerable time. Therefore, without meaning any expression of opinion on the merits of the case, the concession of interim bail granted vide order dated 11.12.2018 is made absolute.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

14.01.2019

vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No