

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M- 8573 of 2020

Date of Decision: 06.10. 2020

Kulbir Singh alias Sonu

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ranbir Singh Sekhon, Advocate
for the petitioner(s).

Mr. Randhir Singh Thind, Deputy Advocate
General, Punjab for the respondent.

Anil Kshetarpal, J.

Kulbir Singh alias Sonu, the petitioner, prays for grant of regular bail pending trial in a criminal case arising from FIR No. 85 dated 07.09.2019, registered under Section 21, 25 & 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (hereinafter referred to as “the 1985 Act”), at Police Station Special Task Force, Mohali, District S.A.S Nagar Mohali.

As per the case of the prosecution, on the basis of a secret information, Kulbir Singh (the petitioner) and Amrit Pal Singh, were spotted and on being stopped, Amrit Pal Singh ran away from the spot, whereas Kulbir Singh was arrested with 150 grams of heroin. Thereafter, on his disclosure statement, 850 grams more heroin was recovered from the house of Gulpavittar Singh. The petitioner has disclosed that he was handed over the heroin by Gulpavittar Singh. The recovery from the petitioner is not of

commercial quantity. It would be debatable whether the petitioner can be said to be in conscious possession of 850 grams of heroin, allegedly recovered from the house of Gurbavittar Singh. It has further been pointed out that Gurbavittar Singh is person with criminal antecedents, whereas as per the custody certificate, the petitioner is a person of clean past. It has been reported that during the custody of the petitioner, he has been involved in FIR No. 33 dated 28.02.2020 under Section 52-A of the Prisons Act, 1894.

The petitioner is in custody since 08.09.2019. On conclusion of the investigation, the police report under Section 173 Cr.P.C., has been filed, however, the charges are yet to be framed. The conclusion of the trial is likely to take some time.

Keeping in view the aforesaid facts and without expressing any opinion on the merits of the case, it is considered appropriate to direct the petitioner to be released on regular bail as the conclusion of the trial is likely to take time. Hence, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the learned Area Judicial Magistrate/Chief Judicial Magistrate/Duty Magistrate.

(Anil Kshetarpal)
Judge

October 06, 2020
“DK”

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