

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

CRM-M No.14419 of 2020 (O&M)

Decided on: 24.06.2020

Mastan Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Parvesh Sachdeva, Advocate
for the petitioner (through video conferencing)

Mr. Ramdeep Partap Singh, DAG, Punjab.
(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.9 dated 29.03.2018, for offence punishable under Sections 23, 28, 29, 30 of the of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station State Special Operation Cell (SSOC), Fazilka District Fazilka.

Counsel for the petitioner has argued that the FIR in question was registered on the basis of a secret information that 04 persons namely Bohar Singh, Satpal, Amarjit and Ajaib Singh, are involved in smuggling of narcotics substance and if a raid is conducted, they can be apprehended and the recovery of narcotics can be effected.

Counsel for the petitioner has further submitted that the petitioner was not named in the FIR and his name has been cropped up in the FIR on basis of the disclosure statement of the co-accused Amarjit Singh. It is further submitted that the petitioner is in custody since 13.04.2019.

Counsel for the petitioner has relied upon the orders dated 15.10.2018 and dated 01.11.2018 passed in CRM-M Nos.22407 and 27842 of 2018, vide which the co-accused of the petitioner have been granted the concession of regular bail by this Court.

Counsel for the State, on telephonic instructions from SI Jaspal Singh, has not disputed the fact that no contraband was recovered from the aforesaid 04 persons, who have been granted the concession of regular bail and only the money was recovered. It is further submitted that the investigation is complete and challan stands presented before the trial Court.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 13.04.2019; challan stands presented; the co-accused of the petitioner have already been granted the concession of regular bail by this Court; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it is made clear that in case the petitioner is found involved threatening any of the remaining prosecution witnesses or tried to influence them, in any manner then, it will be open for the prosecution to apply for cancellation of bail of the petitioner.

(ARVIND SINGH SANGWAN)
JUDGE

24.06.2020
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No