

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

CRM-M-14341-2020 (O&M)

Date of decision: 03.09.2020

Krishan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Gurpal Singh Sandhu, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 223 dated 30.09.2019 registered under Section 22 of the NDPS Act (Section 29 of the NDPS Act added later on vide DDR No. 24 dated 07.11.2019), at Police Station Raman, District Bathinda.

Learned counsel for the petitioner states that the petitioner was not named in the FIR. The petitioner was indicted on the disclosure statement of co-accused Sanjay Kumar @ Tari, vide DDR dated 07.11.2019 i.e. after 37 days of registration of FIR. No recovery has been effected from the petitioner. The petitioner has been in custody since 15.12.2019

Learned State counsel has not disputed the fact regarding the custody period of the petitioner and further states that the challan has been presented and charges have been framed. He further submits that out of 10

prosecution witnesses, none has been examined so far.

As the recovered contraband in the present case falls under the commercial quantity, learned State counsel opposes the prayer of the petitioner in view of Sections 37 of NDPS Act.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 15.12.2019. Nothing has been recovered from the petitioner. No prosecution witness has been examined so far. The trial will take time to conclude and thus, no useful purpose would be served by detaining the petitioner behind the bars.

Moreover, investigation against the present Petitioner is also complete and as such there is no justification to now keep him in captivity for an indefinite period. In coming to this view, this Court is not unmindful of the rigors of Section 37(1)(b)(ii) of the NDPS Act for the purpose of considering the petitioner's release on bail. But *prima facie* considering the case made out by him regarding the circumstances in which he claims to have been falsely implicated, the Court does find that there are reasonable grounds to believe that he might not be guilty of the offence imputed to him.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

03.09.2020

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No