

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(205)

CRM-M-19162-2020

Date of Decision: September 09, 2020

Dharam Singh

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. L.S. Sidhu, Advocate, for the petitioner.
Mr. Sandeep Singh Deol, DAG, Punjab.

HARSIMRAN SINGH SETHI, J.(ORAL)

CRM-16650-2020

The application is allowed, as prayed for.

CRM-M-19162-2020

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.155 dated 17.10.2019 under Sections 21-29-61 of the NDPS Act, 1985 registered at Police Station Badhni Kalan, District Moga.

Learned counsel for the petitioner argues that the petitioner has been involved in the present FIR keeping in view the disclosure statement of co-accused Nirmal Singh. Learned counsel for the petitioner submits that no recovery of any contraband was effected from the petitioner and the recovery, which has been done, is only from Nirmal Singh and therefore, the petitioner, who is in custody since 13.02.2020, is entitled for the benefit of regular bail.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent.

Reply on behalf of the respondent has been filed by the learned State counsel and the same is taken on record.

Learned counsel for the respondent-State has conceded that the petitioner was not named in the FIR and he has been roped in the present case on the basis of the disclosure statement of the co-accused Nirmal Singh. The factum that no recovery has been effected from the petitioner, has also been admitted by the respondent in the reply filed as well as during the hearing of the present petition. Learned counsel for the respondent further submits that as the petitioner was convicted under the Excise Act in the year 1993, keeping in view the said antecedents of the petitioner, he is not entitled for the benefit of bail.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, it is conceded that the petitioner was not named in the FIR and has only been roped in on the basis of the disclosure statement of the co-accused, namely, Nirmal Singh and further no recovery has been effected from the petitioner and the challan has already been presented, no useful purpose will be served in keeping the petitioner behind the bars especially that the trial is likely to take some time. The disclosure statement implicating the petitioner is yet to be proved in the trial and therefore, the

petitioner has made out a case for the grant of regular bail keeping in view the facts and circumstances of the present case regarding the petitioner.

Keeping in view the above, the petitioner has made out a case for the grant of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

(HARSIMRAN SINGH SETHI)
JUDGE

September 09, 2020
harsha/naresh.k

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