

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50028-2019

Date of Decision: 04.02.2020

Kuldeep Singh @ Sabi

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Karanjeet Singh Brar, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.233 dated 12.10.2018, under Sections 21, 22 and 29 Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Kotwali Kapurthala, District Kapurthala. He is in custody since his arrest on 20.09.2019.

The case of the prosecution is that on 12.10.2018, the police party was on patrol duty and when they reached near phirni of village Paharipur, one person was seen carrying one black polythene bag in his hand. On seeing the police party, he threw the polythene bag in the field of paddy and tried to turn back, but he was apprehended. On asking, he disclosed his name as Gagandeep Singh @ Gaggi. On search, 05 grams of heroin and 20 injections of Buprenorphine were recovered from him.

Learned counsel for the petitioner contends that 05 grams of heroin and 20 injections of Buprenorphine were recovered from accused Gagandeep Singh @ Gaggi s/o Bua Singh and the petitioner was neither

present on the spot nor any recovery was effected from him. It is pointed

out that upon a disclosure statement suffered by co-accused Gagandeep Singh @ Gaggi, the petitioner was indicted as an accused on the ground that the recovered contraband was purchased by the co-accused from the petitioner. He submits that the investigation of the case is complete and, therefore, further custody of the petitioner may not be necessary.

On the other hand learned State counsel assisted by ASI Rupinder Singh while opposing the prayer for bail, has not disputed the fact that previously the petitioner was granted interim pre arrest bail in CRM-M-55532-2018 vide order dated 15.12.2018, however, as the petitioner failed to join the investigation, the said bail application was withdrawn. She submits that the investigation of the case is complete.

After hearing learned counsel for the parties, this Court is of the opinion that trial of the case is likely to consume considerable time, therefore, further detention of the petitioner may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court Kapurthala.

The petition is allowed.

04.02.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No