

CRM-M-3171-2021 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(PROCEEDINGS THROUGH VIDEO CONFERENCING)

CRM-M-3171-2021 (O&M)
Date of Decision: 16th June, 2021

Sunny

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Dilraj Singh Bhinder, Advocate,
for the petitioner.

Mr. S.P.S. Tinna, Addl. A.G., Punjab,
for the State.

AUGUSTINE GEORGE MASI, J. (ORAL)

CRM-11113-2021

Annexure P-3 is taken on record, subject to all just exceptions.

Application stands disposed of.

CRM-M-3171-2021

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.61, dated 02.07.2019, registered under Sections 21, 22, 29 and 31 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'NDPS Act'), at Police Station Sadar Nawanshahr, District Nawanshahr.

It is the contention of the learned counsel for the petitioner that

CRM-M-3171-2021 (O&M)

the petitioner was not named in the FIR. It is, during the disclosure statement of Paramjeet Kaur, the co-accused from whom the recovery has been effected, name of the petitioner figures. He asserts that the recovery in this case has been effected from co-accused Paramjeet Kaur and Pritpal Singh and both these co-accused have been granted the concession of regular bail. Earlier the petitioner had moved an application for grant of regular bail which was accepted, however, because of Sections 29 and 31 of NDPS Act were neither taken into consideration by the trial Court nor the High Court while passing the earlier order of regular bail in CRM-M-41806-2020, the application, which was subsequently moved for addition of these sections, was withdrawn. He again moved an application before the trial Court under the said sections for grant of regular bail which has been rejected leading to the petitioner filing the present petition. He asserts that in the light of the fact that the co-accused of the petitioner, from whom actually recovery has been effected, have been granted the benefit of regular bail with no witness examined till date out of the total 14 prosecution witnesses, of which three have been given up, the trial is not likely to conclude in near future. He contends that the petitioner is in custody since 15.07.2019 and therefore, his prayer for grant of regular bail be accepted.

Learned counsel for the State, on the other hand, asserts that although the recovery has been effected from the co-accused but in the disclosure statement which has been given by co-accused Paramjeet Kaur, she has specifically stated that the narcotic substance was being supplied by the petitioner. He, therefore, contends that the petitioner does not deserve

(3)

CRM-M-3171-2021 (O&M)

the concession of regular bail, however, he could not dispute the factum with regard to the earlier bail application of the petitioner having been accepted and with regard to the other assertion that the co-accused have already been granted the benefit of regular bail.

Having considered the submissions made by the learned counsel for the parties and keeping in view the fact that the co-accused of the petitioner, namely Paramjeet Kaur and Pritpal Singh, from whom recovery has been effect, have been granted the benefit of regular bail and the petitioner was earlier granted the benefit of regular bail by this Court vide order dated 17.12.2020 in CRM-M-41806-2020 (Annexure P-2), in this very FIR under Sections 21 and 22 of NDPS Act and the trial is not likely to conclude in near future as no witness has been examined out of the 14 prosecution witnesses, this criminal miscellaneous petition is allowed. Petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Nawanshahr.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

(AUGUSTINE GEORGE MASIH)
JUDGE

16th June, 2021
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No