

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.7857 of 2021
Date of Decision: November 17, 2021

Pargat Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Nirmanjeet Singh Sidhu, Advocate,
for the petitioner.

Mr.Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.85 dated 21.08.2020, under Sections 22 and 29 N.D.P.S.Act, 1985, registered at Police Station, Rureka Kalan, District Barnala, who is in custody since his arrest on 21.08.2020.

The FIR was registered on the basis of secret information and the allegations as noticed by the learned Judge, Special Court, Barnala in the order dated 29.01.2021 are as under:

“As per the prosecution version, on 21.08.2020, a police party headed by ASI Jaswinder Singh had received secret information that Pargat Singh accused/non-applicant is habitual of selling intoxicant tablets by bringing the same from outside and today also he is in the opportunity of selling the same in the area of village Pakho Kalan on the motor-cycle

bearing no. PB07AQ-3467 and if naka is laid and he could be apprehended. On the basis of this secret information this case has been registered. Then naka was laid and accused/non-applicant Pargat Singh was apprehended and from his possession 175 strips of intoxicant tablets, each strip of 10 tablets, of TRAMADOL CLOVIDOL 100-SR, total 1750 tablets were recovered. During the interrogation of accused/non-applicant Pargat Singh, name of accused/applicant Happy Singh came to be as the source of supplying the contraband and he was nominated as accused and offence under section 29 of the Act was added. Accused/applicant was arrested on 07.9.2020. That during interrogation he has disclosed that he used to supply intoxicant tablets to Pargat Singh. Then as per disclosure statement suffered by him at his instance from his possession 40 strips of intoxicant tablets, each strip of 10 tablets, of CLOVIDOL 100-SR, total 400 tablets were recovered on 10.09.2020.”

Learned counsel for the petitioner has argued that the petitioner is in custody for a long period and as the investigation of the case is complete, therefore, the further custody of the petitioner may not be necessary. He contends that the petitioner is not involved in any other case of similar nature and the co-accused of the petitioner, namely, Happy Singh has already been released on regular bail by this court vide order dated 12.01.2021 (Annexure P-3), therefore, he be released on regular bail.

On the other hand, learned State counsel, assisted by ASI Manjit Singh, has opposed the prayer on the ground that the contraband (1750 tablets) recovered from the petitioner falls in commercial quantity. However, he does not dispute that the investigation of the case is complete and the petitioner is not involved in any other case of similar nature.

After hearing the learned counsel for the parties, considering

the above background and the fact that similarly situated co-accused of the petitioner has already been released on regular bail, this court is of the opinion that the further detention of the petitioner behind the bars would not serve any useful purpose. Admittedly, the petitioner is not involved in any other case and the material witnesses are police officials and at present there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and 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/Duty Magistrate, Barnala.

November 17, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No