

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

**CRM-M-12407-2021 (O&M)**

Date of decision: 30.07.2021

Bittu Singh

....Petitioner

Versus

State of Punjab

..Respondent

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr.Aman Dhir, Advocate for the petitioner.  
Mr. Prabhjot Singh Walia, AAG, Punjab

**ANIL KSHETARPAL, J (Oral)**

The hearing of the case was held through video  
conferencing on account of restricted functioning of the Courts.

**CRM-20923-2021**

Allowed as prayed for.

**Main case**

This is the third petition for grant of bail, pending trial, to the petitioner in a criminal case arising from FIR No.403 dated 02.10.2019 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, (offence under Section 29 of the NDPS Act, 1985 and (under Section 427, 201 IPC, 1860 added later on) at Police Station City Barnala, District Barnala..

As per the case of the prosecution, Gurwinder Singh and Gurpreet Singh were apprehended with 21000 intoxicating tablets (Clovidol 100-SR). During interrogation, Gurpreet Singh disclosed that he has brought the recovered consignment from his cousin-Bittu Singh (present petitioner). The petitioner is in custody since 09.11.2019.

On conclusion of the investigation, the police has filed its final report under Section 173 Cr.P.C.

The learned counsel representing the petitioner contends that the petitioner has been made an accused on the basis of the statement of a co-accused, which is not permissible as an evidence. He further submits that during investigation, the police has failed to collect any other material to show the involvement of the petitioner in the alleged offence. He further submits that the first petition for grant of bail was dismissed on 17.07.2020, after noticing that the investigation is still in progress. The second petition was dismissed on the ground that the counsel failed to draw attention of the Court to any change in circumstances.

He further contends that the petitioner is involved in FIR no.152 dated 31.05.2013 registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station City Sangrur and was acquitted by the court on 24.11.2015. He submits that in FIR no. 88 dated 19.10.2018 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station City Sangrur, the petitioner was made an accused on the basis of the statement of the co-accused. There are two more FIRs against the petitioner i.e FIR no. 34 dated 23.02.2019 under Section 304 IPC and FIR No. 39 dated 27.02.2019 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station City Sangrur, for recovery of 5 grams Heroin (contraband).

On the other hand, the learned counsel representing the respondent contends that the petitioner is a habitual offender as is apparent from the fact that apart from the FIR in question, he is also involved in 4 more criminal cases.

This Bench has analyzed the arguments of the learned counsel for the parties. No doubt, the petitioner is still an accused in FIR nos. 88, 34 and 39 apart from the FIR in question in the present case, however, the total recovery from the petitioner in FIR No. 39 is 5 grams Heroin. Still further, the learned State counsel has failed to draw attention of the Court to any other material collected by the prosecuting agency to show his involvement in the present case.

The conclusion of the trial is likely to take some time.

Without commenting on the merits of the case and keeping in view the aforesaid facts, it is considered appropriate to release the petitioner on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Petition stands allowed.

All the pending miscellaneous applications, if any, are also disposed of.

30.07.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

**(ANIL KSHETARPAL)**  
**JUDGE**