

CRM-M-15163-2021

Date of Decision : 29.07.2021

Baljit Singh

...Petitioner

Versus

State of Punjab

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Varinder Basa, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner pending trial in case FIR No.178 dated 24.11.2020, registered under Section 379 IPC, 1860, Sections 21 and 22, NDPS Act, 1985 and Section 25, Arms Act, 1959, at Police Station Rangar Nangal, District Gurdaspur.

3. Learned counsel contends that on the basis of secret information, the petitioner along with co-accused Raj Kumar, Mandeep Singh and Gurmeet Singh were arrested from Swift Desire car No.PB-31Q-2045 on 24.11.2020 and 8 grams of heroin was recovered from the dashboard of the aforementioned vehicle, whereafter, the petitioner made a disclosure statement on 27.11.2020, leading to recovery of 502 tablets of tramadol (187 gram tramadol salt) and one

.315 bore, country made pistol from vehicle No.PB-10FB-6780. Learned counsel further contends that the petitioner is not involved in any other case, is in custody since 24.11.2020, challan has been presented, though charges are yet to be framed, trial is likely to take long time to conclude, therefore, no useful purpose would be served by keeping the petitioner behind bars.

4. Learned AAG, Punjab, on instructions from ASI, Iqbal Singh, confirms that apart from the instant case, there is no other case registered against the petitioner, recovery of only 8 grams of heroin was made from the dashboard of the vehicle in which the petitioner was travelling along with co-accused, whereafter on the basis of disclosure statement of the petitioner, 502 tablets of tramadol (187 gram of tramadol salt) and one country made pistol of .315 bore was recovered on 27.11.2020, challan has been presented, though charges are yet to be framed.

5. I have considered the submissions of learned counsel for the parties.

6. Admittedly, petitioner was arrested along with three other co-accused on 24.11.2020 leading to recovery of 8 grams of heroin from the dashboard of Swift Desire No.PB-31Q-2045 whereafter, the petitioner made a disclosure statement on 27.11.2020, leading to recovery of 502 tablets of tramadol (187 gram tramadol salt) and one .315 bore, country made pistol from vehicle No.PB-10FB-6780.

Petitioner is not involved in any other case, is in custody since

24.11.2020, challan has been presented, though charges are yet to be framed, trial is likely to take long time to conclude, therefore, no useful purpose would be served by keeping the petitioner behind bars.

7. Accordingly, the petition under Section 439 Cr.P.C. is allowed. Petitioner-Baljit Singh is ordered to be released on regular bail during the pendency of the trial on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, provided he is not required in any other case. The petitioner shall also comply with the conditions contained in Section 437(3) Cr.P.C. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case. It is further made clear that if the petitioner is involved in any other case during the period while he is on bail in the instant case, the prosecution would be at liberty to move an application for cancellation of bail granted to the petitioner in the instant case.

8. Petition allowed in the aforementioned terms.

(B.S. Walia)
Judge

29.07.2021
'Rajesh'

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