

CRM-M-23946-2021

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

CRM-M-23946-2021

Date of decision: 25.08.2021

Raj Singh @ Raju

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. R.S.Randhawa, Advocate,
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G.Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Short reply by way of affidavit of the Deputy Superintendent of Police, Sub Division City Ferozepur, filed in the Registry, is taken on record.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.70 dated 27.11.2019, registered under Section 21 of the NDPS Act, at Police Station Arif Ke, Ferozepur, Punjab.

Learned counsel for the petitioner submits that the FIR was registered on the basis of a secret information, wherein the petitioner was neither named, nor he was arrested at the spot, and that the present case has falsely been foisted upon the petitioner on the basis of a confessional statement of co-accused, namely, Balwinder Singh @ Balli and at that time, the petitioner was in custody in some other case i.e. FIR No.201 dated 14.09.2018, registered at Police Station Sri Karanpur. In fact, the

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petitioner used to cross beyond the fencing wire for the purpose of harvesting the crop over the land in his possession having identity card issued by the Border Security Force, as would decipher from the gate pass (Annexure P-2). Therefore, connecting the petitioner with the present offence merely due to the reason that he had used to cross beyond the fencing wire, is not justifiable.

Learned counsel further contends that there are four other cases presently pending against the petitioner that too on the basis of the disclosure statements of the co-accused therein and no recovery had been effected from the petitioner and he stood released on bail in all four other cases. In the present case also, the alleged recovery of 1880 gram of heroin was effected from the co-accused and nothing had been recovered from the petitioner. The petitioner has been in custody for the last 01 year and 09 months. It is also submitted that the prosecution witnesses are yet to be examined.

The prayer for bail is nevertheless opposed on behalf of the State by submitting that the petitioner is a habitual offender and is involved in other cases of similar nature.

I have heard the learned counsel for the parties.

As noticed above, the petitioner was indicted on the basis of the disclosure statement of co-accused, Balwinder Singh @ Balli and the petitioner was in custody in some other case at that time. No recovery has been effected from him. Moreover, nothing was recovered from the petitioner in other four cases which too had been registered on the basis of the disclosure statements of the co-accused therein. Challan stands presented. In the present

case, the recovery effected from the co-accused falls under the commercial

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quantity, but the fact remains that the petitioner has been in custody for the last 01 year and 09 months and trial of the case is unlikely to conclude any time soon, especially due to Covid-19. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

25.08.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No