

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

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**CRM-38594-2021 in CRM-M-24908-2021
Date of Decision: 23.11.2021**

Amandeep Singh @ Amna

....Applicant/Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Nikhil Kumar Vashisht, Advocate for applicant/petitioner.

Mr. Anmol Singh Sandhu, Assistant Advocate General, Punjab.

Lalit Batra, J.(Oral)

CRM-38594-2021

This application under Section 482 Cr.P.C. is for preponing the date of hearing of the main petition, which is already fixed for 25.01.2022.

Notice of application.

At the asking of Court, learned State counsel accepts notice and stated that he has no objection if application is allowed.

In view of the grounds mentioned in the application and no objection by learned State counsel, hearing of the main petition is preponed and is taken on Board today itself.

CRM is allowed.

Main Case

Present petition under Section 439 Cr.P.C has been moved by petitioner-**Amandeep Singh @ Amna** for grant of regular bail in case FIR No.202 dated 13.10.2020 under Sections 22 and 29 of NDPS Act, registered

Learned counsel for the petitioner *inter alia* contends that version, as alleged in the FIR, is totally concocted one and there is no iota of truth therein. He further submits that allegedly contraband (*Buprenorphine* Hydrochloride) weighing 21.84 grams was recovered from co-accused Dalbara Singh @ Darbara Singh. He further urges that name of petitioner surfaced in the array of accused in view of alleged disclosure statement rendered by co-accused Dalbara Singh @ Darbara Singh. He further urges that since alleged recovery of contraband was effected from conscious possession of co-accused Dalbara Singh @ Darbara Singh and, thus, rigours of provisions of Section 37 of NDPS Act cannot be attracted against the petitioner. He further submits that co-accused Vijay Kumar has already been extended concession of regular bail by this Court, vide order dated 28.01.2021 passed in CRM-M-353-2021 (Annexure P/2). He further submits that petitioner is languishing in custody since 22.10.2020 and he is no more required by the Police for any investigation purpose as after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court and trial has commenced. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 22.10.2020; that petitioner is no more required by the Investigating Agency for investigation purpose; that *Challan* has already been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Amandeep Singh @ Amna** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Patiala, as the case may be.

(LALIT BATRA)
JUDGE

23.11.2021

Varinder Prashad

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No