

206.

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

CRM-M-25502-2021

Date of Decision: 09.12.2021

RINKU SINGH

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Narinder S. Lucky, Advocate,
for the petitioner.

Mr. A.S.Gill, Senior DAG, Punjab.

JAISHREE THAKUR.J (Oral)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.68, dated 30.10.2019, registered under Sections 21, 22, 25, 29 of NDPS Act, 1985 at Police Station Thulliwal, District Barnala, during the pendency of trial.

Learned counsel for the petitioner would contend that neither the petitioner was named in the FIR nor was there any recovery of contraband effected from him. In fact, four people were arrested from two cars which was found to be carrying 1,65,000 intoxicant tablets. Sukhwinder Singh and Lakhwinder Singh thereafter nominated several other persons as accused being part of their gang and one of them, namely, Sony Singh @ Soni Kana @ Somy has been allowed regular bail in CRM-M-18706-2021.

It is argued that neither Lakhwinder Singh nor Sukhwinder Singh nominated the petitioner herein, however, he has been arrayed as an accused and arrested thereafter on the basis of the investigation done and certain call details allegedly linking him to Lakhwinder Singh and Sukhwinder Singh. It is further argued that merely on the basis of call details, conviction would not be sustainable under the said FIR.

On the other hand, learned State counsel opposes the grant of regular bail by contending that there is a huge recovery of 1,65,000 intoxicant tablets from Lakhwinder Singh, Sukhwinder Singh, Ravi Singh and Jinder Singh and there are call details available that would link the petitioner herein with the gang that stands arrested. He has filed the custody certificate, which is taken on record.

I have heard learned counsel for the parties and in view of the fact that the petitioner herein was not arrested at the spot along with said intoxicating tablets and neither named in the disclosure statement of the two main accused, deem it appropriate to allow regular bail to him. This bail is being allowed while considering the fact that the petitioner stands nominated as an accused only on the basis of call details which may or may not pertain to the alleged contraband and it would be a matter of trial. Moreover, challan stands presented and the custodial interrogation of the petitioner would no longer be required.

Accordingly, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty

Magistrate. Any observation made herein shall not be construed to be an expression of opinion on merits of the case.

However, the petitioner will furnish an undertaking that in case he is caught under similar circumstances in possession of contraband, the State would be at liberty to get revoked the bail allowed to him today.

(JAISHREE THAKUR)
JUDGE

09.12.2021

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No