

CRM-M-28537-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28537-2021 (O&M)

Date of decision:05.10.2021

Tehal Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Veneet Sharma, Advocate and
Mr. Deepak Aggarwal, Advocate for the petitioner.

Mr. H.S. Sitta, A.A.G. Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Status report, by way of an affidavit dated 04.10.2021 of Deputy Superintendent of Police, Sub Division Attari, District Amritsar, filed in the Court, is taken on record.

Through this petition under Section 439 Cr.P.C. the petitioner seeks regular bail in case bearing FIR No.29 dated 24.02.2021, registered at Police Station Lopoke, District Amritsar Rural, under Sections 21, 22, 25, 27-A, 29 of the NDPS Act, 1985; Sections 25, 27 of the Arms Act, 1959; Section 3 of the Indian Passport Act, 1920 and Section 14 of the Foreigners Act, 1946.

Learned counsel for the petitioner submits that the petitioner was arrested and taken to his house, from where the alleged amount of Rs.2,50,000/- was recovered. It is further stated that no contraband had been recovered either from the house of the petitioner or from the petitioner himself. Even otherwise, the alleged recovery was planted upon the petitioner as it is the case of the prosecution that the same was effected pursuant to the disclosure statement of the petitioner. The petitioner has been in custody since 24.02.2021 and there is no other case pending or registered against him.

On the other hand, learned State counsel submits that the petitioner has specifically been named in the FIR and the recovery effected

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from the petitioner was wrapped in one polythene envelope lying under an iron box in one room of the house of the petitioner. It is further submitted that co-accused Jarnail Singh was the leader of the gang, who along with other co-accused, namely, Mehal Singh, Sukhjinder Singh and Gurjant Singh went to the place near fencing of India Pakistan Border for lifting consignment of heroin in a very dense fog night. The petitioner is the neighbour of the co-accused.

I have heard the learned counsel for the parties.

In the present case, no contraband has been recovered from the petitioner and he has been involved in the present case being the neighbour of the co-accused. Moreover, there is no other case registered or pending against the petitioner. Trial of the case would take time to conclude. 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.

05.10.2021

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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No