

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-30246-2021

DATE OF DECISION: SEPTEMBER 30, 2021

RANA SINGH @ AVTAR SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MS. MANPREET GHUMAN, ADVOCATE
FOR THE PETITIONER.

MR. RAMANDEEP SANDHU, SR.DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.32 dated 26.5.2021, under Section 22, 29, 61 and 85 NDPS Act, Police Station Rureke Kallan, District Barnala. The petitioner is in custody since his arrest on 29.5.2021.

As per the allegations levelled in the FIR, on 26.05.2021, SI Kuldeep Singh alongwith other police party was present at Bus Stand Rureke Kalan. At about 10:00 AM, he received a secret information that Gejo Kaur accused/non-applicant was involved in selling intoxicant tablets. On these broad allegations, the FIR was registered.

Learned counsel for the petitioner has argued that the contraband (14000 intoxicant tablets) were recovered from accused Gejo Kaur who was arrested on the spot and subsequently, on her disclosure statement, co-accused Gautam Singh and the petitioner were arrested on 29.5.2021. She has submitted that from Gautam Singh, separate recovery of

300 gms. of intoxicant powder alongwith 300 tablets of Celcidal 100 SR

was made, whereas nothing was recovered from the petitioner. According to her, further custody of the petitioner may not be necessary. She prays for bail.

On the other hand, learned counsel for the State assisted by ASI Satwinder Singh has opposed the aforesaid prayer on the ground that the petitioner used to supply the intoxicant material to co-accused Gejo Kaur. However, it is not disputed that nothing was recovered from the petitioner and as per the custody certificate dated 29.9.2021, filed by way of affidavit of Bhupinder Singh, PPS, Deputy Superintendent, Central Jail, Bathinda, he is not involved in any other case of similar nature.

Considering the above background, custody period of the petitioner and the nature of evidence collected by prosecution qua the petitioner, this Court is of the opinion that his further detention behind the bars would not serve any useful purpose as the case is likely to consume considerable time to conclude. All the witnesses are police officials and there does not seem to be any possibility of their being won-over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

September 30, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No