

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-37326-2021

DATE OF DECISION: 11.11.2021

ANGREJ SINGH ALAIS JASWINDER SINGH ... Petitioner(s)

Versus

STATE OF PUNJAB ... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. S.S. Majithia, Advocate for the petitioner.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No. 0120 dated 28.10.2020, under Sections 21, 22/61/85 of the NDPS Act, Sections 25, 27/54/59 of the Arms Act, 3/34/20 of the Indian Passport Act, 1920, Section 14 of the Foreigner Act, 1946 and Section 3(iii) of the Official Secrets Act 1923, registered at Police Station Ramdas, District Amritsar.

Learned counsel for the petitioner contends that although the petitioner has been named in the FIR on the basis of secret information but no recovery has been effected from him. It is alleged in the FIR that the petitioner and other accused are smuggling contraband from across the border. He further contends that no recovery of any contraband has been effected from any of the accused while one pistol and two live cartridges of .3 bore were allegedly recovered from the co-accused Ramandeep Singh and mobile phone and a dongle was allegedly recovered from the co-accused Sandeep Singh @ Kala. Co-accused Ramandeep Singh and Sandeep Singh have been granted regular bail by the Special Judge. Copies of the orders are at Annexures P-2 and P-3. The petitioner does not have any criminal antecedents. He is in custody for over 4 months.

Learned State counsel, upon instructions from ASI Sukhwinder Singh, states that the petitioner is in custody for 4 months and 16 days. He further contends that charges have been framed but no prosecution witness has been examined. However, he is not in a position to controvert the submissions

of the learned counsel for the petitioner that no contraband was recovered from any of the accused and no recovery of any incriminating article has been effected from the petitioner.

Heard.

In view of the above, especially when the petitioner is in custody for over 4 ½ months, no recovery has been effected from the petitioner, he does not have any criminal antecedents, the co-accused have been granted regular bail, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

11.11.2021

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No