

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(209)

CRM-M-40505-2021

Date of Decision : October 01, 2021

Prem Chand

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Munish Puri, Advocate, for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.148 dated 30.07.2021 registered under Section 270, 274, 275, 420, 120-B IPC and Section 18-A and 18 (c) of Drugs and Cosmetics Act, 1940 at Police Station Sujanpur, District Pathankot.

Learned counsel for the petitioner submits that no recovery has been done from the petitioner and the petitioner has wrongly been roped in the present case on the basis of the statement of the co-accused Davinder Singh to the effect that he was to sell the contraband recovered to the petitioner. Learned counsel for the petitioner further submits that the said allegation is yet to be proved in the Court of law during the trial and no useful purpose will be served in keeping the petitioner behind the bars during the trial as the trial is likely to take some time before it concludes.

Notice of motion.

Mr. Sandeep Kumar, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

On the instructions from ASI Balkar Singh, Police Station Sujampur, District Pathankot, learned counsel for the respondent-State submits that the injections, which have been recovered from the co-accused Davinder Singh, were to be purchased by the petitioner and as huge quantity of the said drug has been recovered from the co-accused, the petitioner is not entitled for the grant of regular bail.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the petitioner has only been roped in the present case on the basis of the disclosure statement of the co-accused Davinder Singh and said statement is only to the effect that co-accused was to sell the contraband recovered from him to the petitioner and as the said allegation is yet to be proved in the Court of law during the trial, no useful purpose will be served in keeping the petitioner behind the bars as the trial is likely to take some time before it concludes especially in view of the undertaking of the petitioner that if the concession of bail is granted to him, he will maintain good conduct while on bail and will not influence the trial or witnesses in any manner.

Keeping in view the above, the petitioner has made out a case for the grant of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

October 01, 2021

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No