

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-41835-2021

DATE OF DECISION: OCTOBER 11, 2021

JOGINDER SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. VISHAL KHATRI, ADVOCATE
MR. KAWALPREET SINGH VIRK, ADVOCATE
FOR THE PETITIONER.

KANWAR SANJIV KUMAR, AAG, HARYANA.

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.148 dated 14.5.2021, under Section 18 NDPS Act (Section 27A added later on), Police Station Safidon, District Jind. The petitioner is in custody since his arrest on 6.8.2020.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Jind, in the order dated 23.9.2021, are as under:-

“The facts necessary to dispose of the present bail application are that on 14.5.2021 at Asandh Safidon Road, link road of village Malikpur near Peer Baba, within the jurisdiction of Police Station Sadar Safidon, co-accused Puran Singh s/o Gurbachan Singh r/o Malkpur was apprehended by ASI Surender Kumar with his fellow officials, on the basis of secret information, while coming on the motorcycle bearing Registration No.HR-33D-9466. During checking, 505 grams Opium

was recovered from the green colour polythene recovered from the right pocket of his lower (Piajama), which he possessed without any permit or licence. After completing the necessary formalities and complying the provisions of NDPS Act, co-accused Puran Singh was arrested. He made disclosure statement that applicant/accused had supplied the recovered Opium to him. After completing the investigation, police has prepared the charge-sheet against the co-accused Puran Singh and filed in the court on 12.7.2021.

On 6.8.2021, applicant/accused Joginder Singh was arrested and he made disclosure statement. After completing the investigation police prepared the supplementary charge-sheet against the co-accused Joginder Singh and filed in the Court.”

Learned counsel for the petitioner has argued that the alleged contraband (505 gms. of Opium) was recovered from co-accused Puran Singh who was arrested on the spot and later on, on his disclosure statement, the petitioner was indicted as an accused. He submits that the investigation of the case is complete and therefore, further custody of the petitioner may not be necessary. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by ASI Virender Singh has opposed the aforesaid prayer on the ground that the petitioner is also involved in the crime and the said contraband recovered from the co-accused was supplied by him. According to him, the petitioner is involved in another case of similar nature. However, it is not disputed that the recovered contraband falls in non-commercial quantity.

Considering the above background and the quantity recovered,

this Court is of the opinion that further detention of the petitioner behind the bars may not be necessary for any useful purpose who is presently confined in judicial custody after his arrest on 6.8.2020, as the trial of the case is likely to consume considerable time to conclude.

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.

October 11, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No