

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(217)

CRM-M-45487-2021

Date of Decision : November 17, 2021

Pawan Sharma

.. Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. A.S. Sidhu, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

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.52 dated 04.07.2020 registered under Sections 22 and 29 of the NDPS Act, 1985 at Police Station S.G.N Dev Thermal Plant, District Bathinda.

Learned counsel for the petitioner submits that nothing has been recovered from the petitioner and the petitioner has only been roped in the present case on the basis of the disclosure statement of the co-accused namely Amit Garg @ Vicky, which have been given to the police and carries no significance or value qua establishment of the said allegation. Learned counsel for the petitioner further submits that the investigation is over and as the challan has already been submitted and the charges have been framed, no useful purpose will be served in keeping the petitioner behind the bars any further during the conduct of the trial.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who is present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State concedes the factum that the recovery of the contraband is from the co-accused Amit Garg @ Vicky and the petitioner has only been roped in the present case on the basis of the disclosure statement of the said co-accused Amit Garg @ Vicky.

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

As of now, nothing except the disclosure statement of the co-accused, wherein certain allegations have been alleged against the petitioner, has come on record, and the said disclosure statement is the one which was given before the police. Even otherwise, nothing has been recovered from the petitioner ever after the disclosure statement of the co-accused and there are no other cases pending against the petitioner, hence, the trial is likely to take some time before it concludes, no useful purpose will be served in keeping the petitioner behind the bars during the entire trial.

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.

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.

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.

November 17, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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