

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45385-2021 (O&M)
Date of decision: 03.11.2021

Harrison Chinedu @ William

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Swati Verma, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.75 dated 11.08.2019 under Sections 21/29/61/85 of NDPS Act, registered at Police Station STF Mohali, District SAS Nagar (Mohali).

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of HC Paramjeet Singh, a secret information was received that Amandeep Singh @ Moli and Vikas Kumar @ Lara are indulged in smuggling of intoxicant substance and are coming in a vehicle, carrying heroin. Thereafter, the information was sent to the police station for registration of FIR and later on, when both the persons were apprehended along

with vehicle, 400 grams of heroin was recovered from the petitioner and 385 gms of heroin was recovered from co-accused Gagandeep Singh.

Learned counsel has further submitted that during the investigation, statement of co-accused Vikas Kumar @ Lara was recorded, in which another co-accused Gagandeep Singh was nominated. Thereafter, co-accused Gagandeep Singh made another disclosure statement, in which he stated that it is the petitioner, who has supplied the heroin. It is also submitted that Gagandeep Singh has already been released on regular bail vide order dated 03.09.2021 passed in CRM-M-45642-2019, noticing the fact that he was nominated on the basis of disclosure statement of co-accused and is in long custody. It is next submitted that another co-accused Vikas Kumar @ Moli had also been granted the concession of regular bail vide order dated 15.06.2020 passed in CRM-M-12761-2020.

Learned State counsel has filed the custody certificate dated 03.11.2021 in the Court today, according to which, the petitioner is in custody for the last 02 years, 02 months and 16 days and is involved in one more case under NDPS Act. It is further submitted that out of total 25 prosecution witnesses, none has been examined so far.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the person, on the basis of whose disclosure statement, the petitioner was nominated in the FIR, has already been released on regular bail; till date, no prosecution witness has been examined and it will take some time in conclusion of the trial and also in view of the fact that the petitioner is in custody for the last 02 years, 02 months

and 16 days, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

03.11.2021
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No