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IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRM-M-42519 of 2020

Date of decision : August 27, 2021

Raminder Singh

..... **Petitioner**

Versus

State of Punjab

..... **Respondent**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. B. K. Mehta, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG., Punjab.

(Through Video Conferencing)

Harsimran Singh Sethi, J (oral).

The present petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner, in case FIR No. 72 dated 22.05.2019 for the offences under Sections 22 and 61 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 27, 29 and 85 of NDPS Act, 1985, Section 42-A of Prisons Act and Section 411 IPC were added later on) registered at Police Station Division No.2, Ludhiana.

Learned counsel for the petitioner argues that the allegations alleged against the petitioner is that one Suraj Kumar alias Kali had tried to smuggle the contraband into the jail premises on the asking of the petitioner. Learned counsel submits that the allegation against the petitioner are false and fabricated and has been alleged only with the motive to keep the petitioner behind the bar.

Learned counsel for the petitioner submits that nothing has

been recovered from the petitioner and the said allegation thatr the prisoner Suraj Kumar alias Kali was bringing the contraband into the jail premises at the asking of the petitioner, is yet to be proved during the trial and therefore, keeping the petitioner behind the bars during the period of trial which will take some time before it concludes, will serve no purpose.

Learned counsel appearing on behalf of the respondent-State on instructions from ASI Rajinder Singh submits that the petitioner was in contact with the prisoner Suraj Kumar alias Kali through mobile phone and therefore, prima facie the allegations alleged against the petitioner are correct. The learned counsel further submits that the petitioner is a habitual offender and there are also other cases pending against him including a conviction under the NDPS Act and therefore, the petitioner is not entitled for the grant of bail.

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

In the present petition, this Court is considering whether to grant bail to the petitioner in respect of the allegations in FIR No. 72 dated 22.5.2019. It is a conceded position that no recovery was done from the petitioner of any contraband and the only allegation against the petitioner is that a prisoner while returning to the prison had tried to smuggle the contra band, which act was done in the said prison at the asking of the petitioner. The said allegation is yet to be proved in the court of law during the trial.

With regard to the contention of the learned State counsel that the petitioner is also involved in the other cases, the petitioner, is stated to be on bail in all the other cases.

Keeping in view the facts and circumstances of the present

case, as learned counsel for the petitioner has undertaken before this Court that in case the petitioner is granted the benefit of regular bail, the petitioner will maintain a good conduct while on bail and will not influence either the witness or trial in any manner.

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, if not required to be detained in any other case, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence the trial in any manner and in case of default of the above undertaking, the 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.

(HARSIMRAN SINGH SETHI)
JUDGE

August 27, 2021
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No