

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-47783-2021 (O&M)

DATE OF DECISION: NOVEMBER 25, 2021

JUGRAJ SINGH @ RAJA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. RUHANI CHADHA, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SINGH SANDHU, SR.DAG, PUNJAB.

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.198 dated 12.7.2020, under Section 21 NDPS Act (Section 29 NDPS Act, added later on), Police Station Sultanpur Lodhi, District Kapurthala, who is in custody since his arrest on 5.8.2021.

The FIR was registered on the statement of SHO Sarabjit Singh, Police Station Sultanpur Lodhi to the effect that when he alongwith other police officials was patrolling and shifting nakabandi at railway crossing Dudwindi to Tashpur road, a white colour Verna car bearing registration No.PB38D-3786 was seen coming from the side of village Bhor. On being signalled to stop, the driver stopped the vehicle at a distance of 20 yards before the naka and tried to reverse the same, however, its rear wheel struck in the fields. He was apprehended and on interrogation, he disclosed his name as Gurbhej Singh @ Bheja. On his search, a polythene bag kept under the scarf tied on the waist was found and on opening the same 1 kg Heroin

was recovered and ₹46,000/- was also recovered from his Parna. On these broad allegations, the FIR was registered.

Learned counsel for the petitioner submits that the alleged contraband was recovered from co-accused, namely, Gurbhej Singh @ Bheja and thereafter, the petitioner was implicated in this case on the basis of disclosure statement made by the co-accused. He submits that the petitioner was already in custody in case FIR No.127 dated 30.11.2019, under Section 21/29/61/85 NDPS Act, Police Station Sadar Phagwara, District Kapurthala, who has been falsely implicated in the present case. Learned counsel has stated that the investigation in the case is complete and therefore, he be released on regular bail.

Learned counsel for the State, assisted by ASI Balbir Singh has produced the custody certificate of the petitioner dated 24.11.2021, by way of affidavit of Navinder Singh, PPS, Deputy Superintendent, Central Jail, Kapurthala and submits that he is involved in two other cases of similar nature. However, it is not disputed that the petitioner was already in custody in FIR No.127 dated 30.11.2019, under Section 21/29/61/85 NDPS Act, Police Station Sadar Phagwara, District Kapurthala when he was implicated in the present case on 17.7.2020 and no recovery was made from him. Learned counsel for the State has further submitted that the investigation of the case is almost complete qua the petitioner as well.

Considering the above background, custody of the petitioner and the fact that the investigation of the case is almost complete, this Court is of the opinion that further detention of the petitioner behind the bars may not be necessary for any useful purpose in the present case, 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.

November 25, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No