

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-1075-2022
Date of decision: 25.02.2022**

Harjinder Singh @ Jinda

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Harchand Singh Batth, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.56 dated 04.08.2021 under Section 22 of the NDPS Act and Section 25 of the Arms Act registered at Police Station Kacha Pacca, District Tarn Taran.

Learned counsel for the petitioner, at the very outset, relies upon orders dated 29.11.2021 and 17.12.2021 passed in CRM-M Nos. 41268 and 51555 of 2021, respectively, vide which co-accused Puran Singh and Mandeep Singh have already been granted the concession of regular bail by this Court. While granting regular bail to co-accused Mandeep Singh, this Court has passed the following order:

“...Learned counsel for the petitioner contends that the petitioner is neither named in the FIR nor any recovery has been effected from him. The petitioner has been arraigned as an accused on the statement of co-

accused from whom recovery of a .32 bore pistol, 07 live cartridges and 2900 Tramadol Tablets has been effected. The petitioner is in custody for over three months and is not involved in any other case under the NDPS Act. He also contends that co-accused Puran Singh has been granted regular bail by this Court in CRM-M-41268-2021 on 29.11.2021.

Learned State counsel, upon instructions from ASI Jagdish Singh, states that although challan has been filed but no prosecution witness has been examined so far. She, however, is not in a position to controvert the submissions of learned counsel for the petitioner that no recovery has been effected from the petitioner. She has filed the custody certificate in Court, which indicates that the petitioner is in custody for 03 months and 12 days as on 16.12.2021.

Heard.

In view of the above especially when the petitioner is in custody for over three months, no recovery has been effected from him, he is not involved in any other case under the NDPS Act, co-accused has been granted bail, the Covid-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner....”

Learned counsel further submits that as per allegations in the FIR, the police party, while on patrol duty, stopped a Scorpio car and on inquiry, the driver disclosed his name as 'Zorawar Singh' and on checking the said car, the same was found containing intoxicant tablets and later on, 2900 tablets of Tramadol Tricare-SR were recovered from him along with one pistol of .32 bore. Thereafter, on the disclosure of Zorawar Singh, co-accused Puran Singh was nominated in this case and on his disclosure, the petitioner was nominated.

Learned counsel for the petitioner further submits that as notice above, co-accused Puran Singh has already been granted the concession of regular bail by this Court.

Learned State counsel has filed the custody certificate and has not disputed the factual position. As per custody certificate, the petitioner is in judicial custody for the last 02 months and 16 days. Learned State counsel submits that investigation qua the petitioner is still not complete and challan has not been presented.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that two of the co-accused, as noticed above, have already been granted the concession of regular bail by this Court including co-accused Puran Singh, on whose disclosure the petitioner was nominated in this case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

25.02.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No