

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(218)

CRM-M-3027-2022

Date of Decision : February 02, 2022

Himanshu Verma

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vijay Pratap Singh, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.
(keeping in view the advance copy given).

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.24 dated 15.02.2020 registered under Sections 22, 27-A and 29-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Budhlada, District Mansa.

Learned counsel for the petitioner submits that in the present case, the recovery of the contraband is from the co-accused namely Harsimrandeep Singh and Simarjit Singh and on their disclosure statement, co-accused Gurjit Singh, Sukhchain Singh @ Chaina and Jasdeep Singh @ Happy have been involved and thereafter, on disclosure statement of these three persons, the petitioner has been involved in the present case though,

no recovery of any contraband has been done from the petitioner. Learned counsel for the petitioner further submits that challan has already been presented after completion of investigation and as the trial is likely to take some time before it concludes, the petitioner may kindly be extended the concession of regular bail as the provisions of Section 37 of the NDPS Act are not applicable in the facts and circumstances of this case qua the petitioner.

Notice of motion.

Mr. Kirat Singh Sidhu, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, 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 above stated factual position that that the petitioner was involved in the present case on the basis of the disclosure statement of Gurjit Singh, Sukhchain Singh @ Chaina and Jasdeep Singh @ Happy, who were also nominated in the present case on the basis of the disclosure statement of co-accused Harsimrandeep Singh and Simarjit Singh from whom the contraband was recovered as well as the fact that the challan has already been presented.

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

Keeping in view the facts and circumstances of this case where the petitioner has been nominated on the basis of the disclosure statement of co-accused Gurjit Singh, Sukhchain Singh @ Chaina and Jasdeep Singh @ Happy and no recovery has been effected from him and challan has already been presented after completion of investigation, no useful purpose will be

achieved in keeping the petitioner behind the bars during the entire period of trial, which is likely to take some time before it concludes keeping in view the restricted working of the Courts due to the pandemic of Covid-19.

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.

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.

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.

February 02, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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