

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-4237-2022 (O&M)

Date of Decision :08.02.2022

Surjeet Singh @ Surjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Raman Goklaney, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

CRM-3183-2022

As prayed for, application is allowed.

CRM-M-4237-2022

The 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.152 dated 14.09.2021 registered under Sections 22 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, 'NDPS Act') (Section 27 of the NDPS Act added later on) at Police Station Vairoke, District Fazilka.

Learned counsel for the petitioner argues that the contraband, which has been recovered in the present case, was recovered from the co-accused namely, Binder Singh and Gurmeet Singh, who in their disclosure statement named the petitioner as the person from whom they had purchased

the said contraband. Learned counsel for the petitioner submits that even after submission of challan, no corroborating evidence has come on record to connect the petitioner with the recovery, which has been done from the co-accused except the disclosure statement of the co-accused, which as per the law settled by the Hon'ble Supreme Court of India in CrI. Appeal No.152 of 2013 titled as **Tofan Singh vs. State of Tamil Nadu** carries no weight.

Learned State counsel submits that though, in the present case, the petitioner has been roped in on the basis of the disclosure statement of the co-accused and the report submitted under Section 173 of the Cr.P.C by the Investigating Agency is silent about any corroborating evidence, which may have come on record in connection to the same, but the petitioner is a habitual offender as he was convicted in another case relating to the violation of NDPS Act and therefore, he may not be granted the benefit of regular bail.

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

Prayer of the petitioner for the grant of regular bail is to be considered on the basis of the allegations, which have emerged in the present case. Once, the petitioner has been roped in on the basis of the disclosure statement of the co-accused and no recovery has been effected from him and even upto now nothing has been placed on record so as to connect the petitioner with the allegations alleged against him, coupled with the fact that the trial is likely to take some time before it concludes, no useful purpose will be served by keeping the petitioner behind the bars, especially, when learned counsel for the petitioner has undertaken before

this Court that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner. In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that the guilt or innocence of the petitioner will be decided on the basis of the complete evidence, which will come on record during the course of trial and anything observed in this order shall not be construed to be an expression of any opinion on the merits of the case.

February 08, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

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