

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(217)

CRM -M -4654-2022

Date of Decision : February 10, 2022

Goldi Singh

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amaninder Preet, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, 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.77 dated 21.09.2021 registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Bhadaur, District Barnala.

Learned counsel for the petitioner submits that no contraband was recovered from the petitioner rather as per the allegations, the contraband was recovered from one Manpreet Singh, who had named another co-accused Lakha Singh as the source of the contraband and Lakha Singh after being roped in the present case had named the petitioner.

Learned counsel further submits that as nothing has been recovered from the

petitioner and even Lakha Singh, on whose disclosure statement, the petitioner was involved in the present case, has already been extended the concession of regular bail by this Court in CRM-M-51189-2021, hence, the same concession be also extended to the petitioner on the ground of parity.

Notice of motion.

Mr. Sandeep Singh Deol, 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 State counsel does not dispute the above mentioned facts that no recovery was done from the petitioner and the petitioner was roped in the present case on the basis of the disclosure statement of the co-accused Lakha Singh, who has already been extended the concession of regular bail.

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

Keeping in view the fact that no recovery has been done from the petitioner and the allegations being alleged against the petitioner are yet to be proved during the trial and nothing except the disclosure statement of the co-accused Lakha Singh, has been brought to the notice of this Court to implicate the petitioner, keeping in view the settled principle of law settled by the Hon'ble Supreme Court of India in Criminal Appeal No. 152 of 2013 titled as '*Tofan Singh Vs. State of Tamil Nadu*' as the allegations are yet to be proved against the petitioner in the competent Court of law during the trial, no useful purpose will be achieved in keeping the petitioner behind the bars during the entire period of trial.

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 10, 2022*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes