

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

CRM-M-5171-2022
Date of Decision:-22.3.2022

ARSHAD SAIFI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. R.S. Waraich (Rana), Advocate
for the petitioner.

Mr. Anmol Sandhu, AAG, Punjab.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.150 dated 20.9.2021 registered under Sections 22/29 of NDPS Act at Police Station Amloh, District Fatehgarh Sahib.

The counsel for the petitioner contended that the petitioner has been falsely implicated in the present case and was not named in the FIR. It is further contended that no incriminating article was recovered from the possession of the petitioner, who is already in custody since 5.1.2022.

The bail application is contested by the State counsel, who submitted that the petitioner is facing serious charges that medical intoxicants recovered in the present case were supplied to the co-accused by the present petitioner.

I have considered the submissions made by counsel for the petitioner as well as by State counsel.

Admittedly, the petitioner was not named in the FIR and nothing incriminating was recovered from his possession by the police. The petitioner is in custody since 5.1.2022. As per custody certificate, he is facing one another criminal case, in which also he is in custody. The petitioner was named as accused in the present case on the basis of disclosure alleged to be made by co-accused Yogender @ Yogesh from whose possession 3000 loose tablets containing Alprazolam were stated to be recovered. The admissibility and veracity of the aforesaid disclosure statement would be tested during the course of trial. The investigation has already been completed in the present case. This Court is of the view that the pendency of another criminal case could not be made ground to decline bail in the present case.

Having regard to the facts and circumstances of the case and that the petitioner has been nominated as accused solely on the basis of disclosure statement and without adverting into the merits of the case the present petition is hereby accepted and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the CJM/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

22.3.2022
Gaurav Sorot

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