

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

CRM-M-10710-2022 (O&M)

Date of decision: 18.07.2022

Jaspal Singh @ Pali

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Jasdeep Singh, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 87 dated 04.09.2020 registered under Sections 22(c) and 25 of the NDPS Act, at Police Station Thermal, District Bathinda.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner was not named in the FIR, but was indicted on the disclosure statement of co-accused Balwinder Kaur-his wife, from whom the alleged recovery was effected and has already been granted regular bail vide order dated 26.11.2021 passed by a Coordinate Bench; that though charges stands framed, yet the prosecution witnesses are to be examined; that the petitioner has been in custody since

05.08.2021 and that the petitioner is not involved in any other case under the NDPS Act.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner was specifically named by the co-accused i.e. his wife, in her disclosure statement. The anticipatory bail petition of the petitioner was dismissed on 06.11.2020. However, he does not dispute the custody period of the petitioner. He submits that the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 05.08.2021. The recovery has already been affected from the co-accused i.e. wife of the petitioner and she is on regular bail. The petitioner was indicted on the basis of disclosure statement of his wife. Moreover, there is no other NDPS case against the petitioner. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

18.07.2022
Mangal Singh

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