

CRM-M- 11367-2022

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

CRM-M- 11367-2022

Date of decision: 16.05.2022

Akshay Sharma @ Arman

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Rahul Bhargava, Advocate,
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.127 dated 20.12.2020, registered at Police Station Fatehgarh Churain, District Batala, under Sections 22 and 29 NDPS Act, 1985.

Learned counsel for the petitioner contends that co-accused, namely, Ranjit Singh was arrested at the spot and recovery of intoxicant tablets had been effected from him; that the petitioner was not named in the FIR and rather, has been indicted on the disclosure statement of the co-accused, and that though the petitioner was declared a proclaimed offender on 16.11.2021, but he surrendered before the concerned court on 13.12.2021 and since then, he has been in custody. Moreover, there is no other case registered or pending against the petitioner, at least of a similar nature. On this premise, the learned counsel prays that the petitioner be released on bail.

On the other hand, learned State counsel, while opposing the

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aforesaid submissions made by the learned counsel for the petitioner, submits that a heavy recovery of intoxicant tablets had been effected from co-accused, Ranjit Singh, who in his disclosure statement stated that he had purchased the intoxicant tablets from the petitioner. However, it is not disputed by him that there is no other case registered or pending against the petitioner, at least of a similar nature. It is also stated that charges have been framed and out of 15 prosecution witnesses, none has been examined so far.

I have heard the learned counsel for the parties.

In the present case, the petitioner was not arrested at the spot. The petitioner has been indicted on the disclosure statement of the co-accused from whom recovery of intoxicant tablets had been effected. Though the petitioner was declared a proclaimed offender on 16.11.2021, but he himself surrendered on 13.12.2021 i.e. within a period of one month. There is no other case registered or pending against the petitioner, at least of a similar nature. Out of 15 prosecution witnesses, none has been examined so far. Trial is unlikely to conclude any time soon. Therefore, 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 present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

16.05.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No