

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.15683 of 2022
Date of Decision: April 22, 2022

Baljinderjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.T.K.Gupta, Advocate for
Mr.Amit Sharma, Advocate,
for the petitioner.

Mr.Ramandeep Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.202 dated 13.10.2020, under Sections 22 and 29 N.D.P.S.Act, 1985, registered at Police Station, Kotwali Nabha, District Patiala, who is in custody since his arrest on 15.12.2020.

The above FIR was registered on the basis of a letter written by Kuldeep Singh, Assistant Superintendent, Maximum Security Jail, Nabha to the SHO, Police Station Kotwali Nabha, wherein it was stated that prisoner Dalbara Singh @ Darbara was sentenced to undergo imprisonment for seven years in FIR No.5 dated 12.02.2015, under Sections 395, 201, 483, 120-B, 34 IPC, Section 25A N.D.P.S.Act. On the basis of secret information, it was learnt that the said prisoner goes out to work in Bairun

Panje and on 12.10.2020 he was given some intoxicant pills by Vijay Kumar, Safai Sewadar of jail and on 13.10.2020, during search from underwear of this prisoner by Kuldeep Singh Assistant Superintendent, loose 195 white colour stick with red tape were recovered. In this regard, Vijay Kumar Safai Sewadar was called in the office and on inquiry, he confessed and told that he was given pills by Baljinder Singh son of Gurdial Singh prisoner, who is on parole in FIR No.156 dated 02.09.2013, under Sections 21 and 29 N.D.P.S.Act and was given Rs.2000/-. On these broad allegations, the FIR was registered.

Learned counsel for the petitioner has argued that as per prosecution, 195 intoxicant tablets were recovered from prisoner Dalbara Singh @ Darbara son of Nahar Singh, who was serving sentence pursuant to his conviction in FIR No.5 dated 12.02.2015, under Sections 395, 201, 483, 34 IPC and Section 25A N.D.P.S.Act and subsequently on his disclosure statement, Safai Sewadar Vijay Kumar was implicated in this case as the said tablets were supplied by him. He has argued that in the similar manner, the petitioner has been implicated on disclosure statement of Vijay Kumar, therefore, the case of the prosecution is based upon comparatively weak evidence qua the petitioner. He further submits that despite framing of charges on 11.02.2021, no prosecution witness has been examined, therefore, he prays that the petitioner be released on bail.

On the other hand, learned State counsel, assisted by ASI Buta Singh, while opposing the prayer has argued that the petitioner already stands convicted and sentenced for a period of ten years for a similar offence in case FIR No.156 dated 02.09.2013, under Sections 21 and 29 N.D.P.S.Act and when he was on parole, he facilitated supply of contraband

to Dalbara Singh @ Darbara in prison. He, on instructions, further states that though the charges were framed on 11.02.2021, but no prosecution witness has been examined so far out of total fifteen witnesses and the case is coming up for recording prosecution evidence on 06.07.2022. He further submits that the co-accused of the petitioner Vijay Kumar is already on regular bail.

After hearing the learned counsel for the parties, considering the above background, custody of the petitioner and the fact that the co-accused of the petitioner is already on regular bail, this court is of the opinion that the possibility of conclusion of trial in near future does not seem to be probable. Admittedly, the material witnesses are the police officials and at present there does not seem to be any possibility of their being won over, therefore, the further detention of the petitioner behind the bars would not serve any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Patiala.

April 22, 2022
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No