

**CRM-M-23142-2021
Date of Decision: 10.01.2022**

Harjit Singh @ Jeeta

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Deepak Arora, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

This petition has been filed under the provisions of Section 439 of the Cr.P.C., for grant of 'regular bail' to the petitioner in case FIR No. 06 dated 17.01.2020, registered at Police Station Dorangla, District Gurdaspur, for the alleged commission of offences punishable under the provisions of Sections 22/23 of the NDPS Act, 1985, Section 14 of the Foreigners Act, 1946, Section 3 of the Indian Passport Act, 1967, read with Section 120-B of the IPC and Section 25 of the Arms Act, 1959.

Pursuant to the order dated 25.08.2021, a short affidavit has been filed by the SSP, Gurdaspur, dated 15.11.2021, which is ordered to be taken on record.

As per the affidavit, other than the disclosure statement and identification slip, no evidence has been gathered against the petitioner.

It is to be noticed that it has not been clarified as to who signed the identification slip.

The trial is also stated to be not anywhere near conclusion as yet, with only 02 prosecution witnesses out of 14 having been examined, and with the petitioner having been in custody for about 01 year and 2½ months now.

Keeping in view all the above, especially the fact that other than a disclosure statement allegedly made in police custody by the co-accused of the petitioner, there is no other evidence shown to be gathered against him, without making any comment on the actual merits of the case, in my opinion the petitioner has made out a case for being granted bail in terms of Section 37 (1) (b) (ii) of the NDPS Act, 1985.

Consequently, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Duty Magistrate/Chief Judicial Magistrate concerned.

January 10, 2022
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No.