

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

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CRM-M-25782-2021 (O&M)

Date of Decision: 11.10.2022

RAJWINDER SINGH @ RAJU

...Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Navkaran Singh Sandhu, Advocate for the petitioner.

Mr. Subhash Godara, Additional Advocate General, Punjab.

HARNARESH SINGH GILL, J.(Oral)

CRM-33563-2022 and CRM-38237-2022

With no objection from the learned State counsel, these applications are allowed, as prayed for.

Documents Annexure P-3 to P-11 are taken on record.

Registry is directed to tag the same at an appropriate place.

CRM-M-25782-2021

Through this petition, the petitioner seeks regular bail in case bearing FIR No.16 dated 19.03.2021, registered under Sections 21, 23 and 29 of the NDPS Act, at Police Station Arif Ke, District Ferozepur.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that no recovery was effected from the petitioner; that even as per the personal search memo dated 20.03.2021 (Annexure P-6), no contraband was recovered from the petitioner; that the petitioner has been in custody since 19.03.2021 and that there is no other case registered and/or pending against the petitioner.

He further submits that the petitioner has been made as a scapegoat in the present case.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that a mobile phone was recovered from the petitioner and on checking of the same, it was found that many calls and messages from Pakistani smugglers were received. He further submits that the prosecution evidence is yet to commence.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 19.03.2021. Though a mobile phone was recovered from the petitioner, from which some messages and calls were made/ received from Pakistani smugglers, yet the fact remains that no contraband was recovered from him. There is no other case registered and/or pending against the petitioner. Prosecution evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, 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/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

11.10.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*