

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-32924-2021 (O&M)

Date of Decision: 18.10.2022

Paramjit Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sant Pal Singh Sidhu, Advocate with
Mr. J.S.Sandhu, Advocate,
for the petitioner.

Mr. C.L.Pawar, Addl. AG, Punjab

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.2 dated 2.1.2021 registered for the offences punishable under Sections 21, 22(C), 29 of NDPS Act (Section 21 of NDPS Act deleted later on) at Police Station Sadar Moga, District Moga.

Counsel for the petitioner submits that the petitioner who was not named in the FIR, was later on nominated as accused on the basis of disclosure statement made by co-accused Shinda Singh, from whom, the police is alleged to have recovered commercial quantity of medical intoxicants. He further submits that said Shinda Singh has already been granted regular bail by Coordinate Bench of this Court vide order dated 10.8.2021 in CRM-M-11367-2021. He has further submitted that on the basis of the aforesaid disclosure made by co-accused Shinda Singh, the

and only two licensed rifles were recovered from the possession of the petitioner and the trial is going at very slow pace and that the petitioner is entitled to grant of regular bail as no contraband was recovered from his conscious possession.

Present petition is opposed by the State counsel who on instructions from ASI Veer Pal Kaur has not disputed the fact that the petitioner was arraigned as accused on the basis of the disclosure made by Shinda Singh, from whom, the police recovered commercial quantity of medical intoxicants and the said accused has already been granted regular bail vide order dated 10.8.2021. State counsel further submits that no contraband has been recovered from the possession of the petitioner and only two rifles were recovered by the police at the instance of the petitioner who was arrested on 17.6.2021. State counsel while resisting the present petition has submitted that the petitioner is involved in a number of other cases and as such, is not entitled to grant of bail in the present case.

Learned counsel appearing on behalf of the petitioner stated at bar that in all other criminal cases which are detailed in the custody certificate, the petitioner has already been granted benefit of bail.

I have considered the submissions made by the counsel for the parties.

The name of the petitioner has admittedly surfaced during the disclosure made by co-accused Shinda Singh who is stated to have been arrested by the police with commercial quantity of medical intoxicants. Admittedly, said co-accused Shinda Singh has been granted regular bail by Coordinate Bench of this Court vide order dated 10.8.2021. The present petitioner is in custody since 17.6.2021 and no contraband is stated to have

been recovered from his possession and only two licensed rifles belonging to his relatives were recovered at the instance of the petitioner by the police. Trial is going on but still 12 more witnesses remain to be examined on behalf of the prosecution and it will take considerable time for disposal of the trial. As has been stated by the counsel for the petitioner, the petitioner has already been granted bail in all other criminal cases faced by him.

In view of the above, as main accused has already been granted regular bail, no purpose is going to be served by keeping the petitioner in custody for any longer period.

Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

October 18, 2022

Paritosh Kumar

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