

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

CRM-M-30595-2022
Date of Decision:-**29.10.2022**

CHEDAN PAL @ SAHU PAL

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Sandeep Verma, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

-.-

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.242 dated 8.12.2019 registered under Sections 22, 25, 29 of NDPS Act at Police Station Dhanaula, District Barnala.

The counsel for the petitioner submits that petitioner and Gurmail Singh were not named in the FIR. The counsel for the petitioner further submits that later on Gurmail Singh was nominated as an accused and was arrested and there are allegations that said Gurmail Singh disclosed the name of the present petitioner and thereafter the petitioner was arrested

and he is in custody for the last 1 year and 5 months and during investigation no contraband was recovered from the possession of the petitioner and Gurmail Singh. The counsel for the petitioner further submits that the petitioner is also involved in one another case of NDPS Act wherein also he is in custody. The counsel for the petitioner further submits that in the instant case trial is not progressing ahead and it will take considerable time for the trial to conclude and as such no purpose will be served by prolonging the judicial custody of the petitioner

The instant petition is contested by the State counsel, who submits that Rinku, Deepak, Shanker Kumar and Raju were apprehended with commercial quantity of medical intoxicants on 8.12.2019 and thereafter one Gurmail Singh was nominated as an accused and the name of the present petitioner surfaced in the disclosure made by said Gurmail Singh and consequently the present petitioner was arrested on 28.5.2021. The State counsel has further submitted that the petitioner is also involved in one another criminal case under NDPS Act and that in the present case the trial is going on. However, the State counsel on instructions from SI Balwinder Singh has not disputed the fact that no contraband was recovered from the possession of the petitioner and Gurmail Singh.

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

In the present case, the petitioner and Gurmail Singh were not named in the FIR, which was registered against Rinku, Deepak, Shanker Kumar and Raju on the basis of secret information and consequently huge quantity of medical intoxicants, which comes under commercial quantity of

contraband were recovered from their possession by the police on 8.12.2019. Subsequently, Gurmail Singh was nominated as accused and on the basis disclosure made by said Gurmail Singh the petitioner was nominated as accused and was arrested on 28.5.2021 and presently he is lodged in judicial custody. As has been admitted by the State counsel, no contraband was recovered from the possession of the petitioner, who is also involved in one another case under the NDPS Act. After completion of investigation, the police has presented the challan and the trial is going on. However, it will take considerable time for the trial to conclude. The petitioner is lodged behind the bars for the last more than 1 year and 5 months despite the fact that no contraband was recovered from his possession in the present case. Also there appears to be no apprehension that if released on bail the petitioner is going to indulge in drug trafficking in the near future.

In light of the above, this Court is of the view that even in the face of the mandate of Section 37 of NDPS Act, the petitioner is entitled to grant of bail as no purpose is going to be served by keeping the accused behind the bars for any longer period.

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

(KARAMJIT SINGH)
JUDGE

29.10.2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No