

- 1 -

Date of Decision: 23.09.2022

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CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. P.S.Sekhon, Advocate for the petitioner
in CRM-M-36707-2022.
Mr. G.S.Sandhu, Advocate for the petitioner
in CRM-M-30754-2022 .
Ms. Ruchika Sabherwal, DAG Punjab.
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VIVEK PURI, J. (ORAL)

This order shall dispose of CRM-M-36707-2022 and CRM-M-30754-2022.

Princejit Singh and Amrinder Singh, petitioners are seeking regular bail in case bearing FIR No. 50 dated 01.07.2019 under Sections 22 and 29 of NDPS Act, registered at Police Station Mulepur, District Fatehgarh Sahib.

Custody certificates have been placed on record.

Briefly, as per the allegations of the prosecution, the petitioners along with the co-accused namely Narinder Singh were travelling on a motor-cycle and an envelope containing intoxicating injections was hanging from the handle of the motor-cycle. Accordingly, the petitioners

along with the co-accused were apprehended and the present case has been registered.

Learned counsel for the petitioners contend that during the course of investigation, one Sunny Kumar was also nominated as an accused on the basis of the disclosure statement of the petitioner and the co-accused. The arrest of Sunny Kumar was effected and in pursuance of the disclosure statement, 325 injections of Avil and 325 injections of Buprenorphine were recovered from the dilapidated building. In the instant case, 25 injections of Buprenorphine and 24 injections of Avil have been recovered from the petitioners and their co-accused namely Narinder Singh. Sunny Kumar has been granted bail in terms of the order dated 08.07.2022 passed in CRM-M-53579-2021. Furthermore, the earlier application for bail filed on behalf of Princejit Singh was dismissed by a speaking order on 03.09.2020 and his last bail application was dismissed as withdrawn on 09.08.2021. Similarly, the earlier bail application of Amrinder Singh was dismissed by a speaking order dated 26.10.2021, and thereafter, no fresh bail application was instituted except the present one. The petitioners are in custody for a period of 3 years, 2 months and 20 days and are not involved in any other case. So far only 4 out of 16 witnesses have been examined. The petitioners also become entitled to bail on the principle of parity as Sunny Kumar, co-accused from whom 325 injections of Buprenorphine have been recovered has been granted bail mainly on the score that even at that point of time only 4 out of 16 witnesses have been examined.

Learned State counsel has resisted the bail applications on the score that the recovery in the instant case is of commercial quantity and

furthermore, Sunny Kumar, co-accused was not apprehended at the spot.

Be that as it may, Sunny Kumar has been nominated as an accused in the instant case on the disclosure statement of the petitioner. Furthermore, 325 injections of Buprenorphine have been recovered from him and he has been granted bail on account of delay in disposal of the trial. He was released on bail after he remained in custody for a period of 3 years and 4 days and further on the score that only 4 out of 16 witnesses have been examined and he was not involved in any other case under NDPS Act. However, 24 injections of Buprenorphine have been recovered from both the petitioners and Narinder Singh. As such, on account of long incarceration and particularly, keeping in view the fact that the trial is not progressing and more particularly, co-accused- Sunny Kumar has been released on bail, sufficient mitigating and changed circumstances are made out to extend the concession of bail to the petitioners.

Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petitions are allowed.

23.09.2022

Janki

(VIVEK PURI)
JUDGE

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