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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41038-2021 (O&M)

Date of Decision: 29.04.2022

Daljit singh @ Rinku

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ruhani Chadha, Advocate for the petitioner.
Mr. Dhruv Dayal, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

CRM-15928-2022

Application is allowed, subject to all just exceptions.

Annexures P-5 and P-6 are taken on record.

CRM-M-41038-2021 (O&M)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.102 dated 25.07.2019 registered under Section 22 NDPS Act, 1985 at Police Station Sadar Ludhiana, District Ludhiana. The petitioner is in custody since his arrest on 26.07.2019.

As per the prosecution case, on 25.07.2019, when Police officials were present at gate of Mehboobpura Dhandran road, in connection with patrol duty, a secret information was received regarding involvement of Amandeep Singh @ Meesha and Daljit Singh @ Riku (petitioner) in business of selling intoxicant powder. Acting upon the same information, accused were apprehended and upon search 60 grams of intoxicating powder was recovered.

Learned counsel for the petitioner has argued that the alleged recovery of 60 grams intoxicant powder was made from two wheeler driven

by his co-accused Amandeep Singh @ Meesha. The petitioner was falsely

implicated being a pillion rider. He submits that the co-accused has already been released on regular bail vide order dated 26.10.2020 (Annexure P-2), therefore, the petitioner also deserves the similar concession, as the trial is likely to consume considerable time to conclude. He prays for bail.

Learned State counsel assisted by ASI Subash Chand, has opposed the prayer on the ground that the petitioner has already been convicted in two more cases of similar nature, but does not dispute this fact that in the said cases, he has already served the sentence imposed upon him and no other case is pending against him. It is also not disputed that as per recovery memo (Annexure P-6), the contraband was recovered from the dicky of that two wheeler.

After hearing the learned counsel for the parties and considering the above background, particularly the custodial period of the petitioner, his further detention behind the bars may not be necessary for any useful purpose. Apart from it, the material witnesses are police officials and at present there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

29.04.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No