

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

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CRM-M-37038-2022

Date of decision : 26.08.2022

Surjit Singh

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Kamal Narula Advocate
for the petitioner.

Mr. Gurpreet Singh Sandhu, D.A.G., Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.52 dated 25.02.2021 registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station City Jalalabad, District Fazilka.

Brief facts of the case are that on 25.02.2021 police party headed by ASI Des Singh was on patrolling duty. When the police party reached near Sonia Petrol Pump, City Jalalabad they saw Sher Chand, holding one black plastic bag in his hand, standing on south end of the Petrol Pump. On seeing the police party he tried to run away after throwing the polythene bag towards the wall of the petrol pump. The police apprehended him and on search as per prescribed procedure 360 intoxicant tablets were recovered from the polythene bag. In custody accused Sher Chand disclosed the name of present petitioner by saying that he has purchased the said contraband from him.

Learned Counsel for the petitioner has argued that the petitioner was not arrested on the spot and no recovery was made from his possession. The petitioner has been falsely implicated in this case on the basis of disclosure statements allegedly made by co-accused Sher Chand. Apart from their disclosure statement, there is no evidence regarding involvement of the petitioner in the case. Main accused-Sher Chand, from whom the contraband was allegedly recovered, has already been granted concession of regular bail by the Coordinate Bench of this Court vide order dated 04.08.2021. Trial is likely to take time and no purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has argued that the petitioner is accused of having supplied the alleged contraband to his co-accused Sher Chand and the petitioner does not deserve the concession of regular bail. The petitioner is also involved in one more case under the NDPS Act.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case, particularly that the petitioner was not apprehended on the spot, no recovery was made from him, there is no evidence against him except the disclosure statement of his co-accused Sher Chand who has already been granted regular bail by the Coordinate Bench of this Court vide order dated 04.08.2021 and also the fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and the petitioner-Surjit Singh is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

However, bail is granted to the petitioner subject to the condition that he will not commit any offence under the NDPS Act after his release on bail and in case of involvement of the petitioner in commission of any offence under the NDPS Act in future, his bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

26.08.2022

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No