

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

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CRM-M-42218-2021 (O&M)

Date of Decision: 23.05.2022

Harjinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Yashpal Thakur, Advocate, for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by ASI Jagdev Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No. 40 dated 29.06.2021 under Sections 22, 25, 29, 61 and 85 of NDPS Act, Police Station Sehna, District Barnala, Punjab.
2. The FIR was lodged on the basis of a secret information received to the effect that Amarjit Singh @ Simmi alongwith his brother Harjinder Singh were proceeding in a car bearing registration No. PB-02-T-2340 for the purpose of selling intoxicant tablets and were present on the road leading to town Sehna. It is further the case of the prosecution that pursuant to receipt of said information, barricading was held and the car bearing registration No. PB-02-T-2340 was intercepted. The occupant of the car disclosed his name as Amarjit Singh. The search of the car led to recovery of 50000 tablets of 'Calcidol-100 SR' (Tramadol) apart from an amount of Rs.43,000/- stated to be drug money. It is further the case of the

prosecution that during the course of interrogation, Amarjit Singh disclosed the name of the petitioner Harjinder Singh. Harjinder Singh came to be arrested on 01.07.2021 and disclosed that he (Harjinder Singh) alongwith his brother Amarjit Singh used to bring intoxicant tablets from Rimpay Kaur so as to further sell the same. Pursuant to the said disclosure made by the petitioner, Rimpay Kaur, Amrit Pal Singh and Sita Kaur came to be nominated as an accused.

3. Learned counsel for the petitioner has submitted that the petitioner was never ever arrested at the spot and came to be arrested two days after Amarjit Singh had been apprehended by the police from whose possession 50000 tablets of 'Celcidol-100 SR' (Tramadol) have been recovered. It has been submitted that when the petitioner was arrested by the police, no recovery of any contraband whatsoever was made and that in these circumstances, the mere reference to his name in the FIR would be inconsequential.
4. Opposing the petition, learned State counsel has submitted that the very fact that there was crisp information against the petitioner on the basis of which FIR in question was lodged, wherein his name is mentioned, his complicity is clearly evident and the same stands further strengthened from the fact that co-accused Amarjit Singh from whom recovery was effected has specifically disclosed his name. Learned State counsel has, however, informed that the

petitioner as on date has been behind bars since the last about 10 months and that he is not involved in any other case.

5. I have considered rival submissions addressed before this Court.
6. It is not disputed that the petitioner was not arrested on 29.06.2021 when co-accused Amarjit Singh was caught red-handed. It was 2 days thereafter that the petitioner came to be arrested. It is also not disputed that no recovery whatsoever was ever effected from him. The petitioner in any case has been behind bars since the last about 10 months. He is not stated to be involved in any other case. In these circumstances, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time since none out of cited 22 PWs has been examined till date. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.05.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**