

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

215-B

CRM-M-44482-2021 (O&M)

Date of Decision: 24.05.2022

MEHAL SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vipul Jindal, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.29 dated 24.02.2021, registered under Sections 21, 22, 25, 27(A), 29 and 62 of the NDPS Act, 1881; Section 25 and 27 of the Arms Act, 1959; Section 3 of the Indian Passport Act, 1920 and Section 14 of the Foreigners Act, 1946, at Police Station Lopoke, District Amritsar.

Learned counsel for the petitioner submits that no recovery of contraband was effected from the petitioner or his house and that, the allegation against the petitioner is that on his disclosure statements, recovery of amount of Rs.80,00,000/- was effected from different places. He further submits that the alleged amount does not belong to the petitioner rather the same belongs to Jarnail Singh (brother of the petitioner), who is a leader of a gang. He further submits that neither the petitioner nor his brother, namely, Jarnail Singh, is/will claim any right

on the amount of Rs.80,00,000/-, at any stage. Still further, it is submitted that the petitioner has been in custody since 24.02.2021; that co-accused, namely, Tehal Singh, has already been granted the concession of bail by this Court on 05.10.2021 and that there is no other case registered and/or pending against the petitioner.

In support of his contentions, learned counsel for the petitioner relies upon the judgment passed by Hon'ble Supreme Court in Criminal Appeal No.725 of 2022 titled Kimudu Gurunad vs State of Madhya Pradesh, decided on 02.05.2022.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner along with the other accused persons went near to the Indo-Pak fence for the reasons best known to them and that huge recovery of Rs.80,00,000/-, one pistol, 25 rounds and two SIMs one of Pakistan and another of Dubai, was effected from the petitioner. He further submits that post presentation of the challan, prosecution evidence is yet to commence.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 24.02.2021. Similarly situated co-accused has already been enlarged on bail. There is no other case registered and/or pending against the petitioner. As per the learned counsel for the petitioner, no recovery of contraband was effected from the petitioner in the present case. Neither the petitioner nor his brother is/will claim any right on the amount of Rs.80,00,000/- recovered from them, at any stage. Prosecution evidence is yet to commence. The

trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of both the sides, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

24.05.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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