

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

CRM-M-41261-2022

Date of Decision:-**11.10.2022**

PARVEEN SHARMA ALIAS GOLU ALIAS GOLDY

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Manoj Chahal, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

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KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.91 dated 24.7.2021 registered under Sections 22(c), 29 of NDPS Act at Police Station Barnala District Barnala.

The counsel for the petitioner submits that as per the allegations appearing in the FIR, Manjit Kaur and Kamal @ Kamal Krishan were apprehended by the police and 2500 tablets of Tramadol Hydrochloride were recovered from them on 24.7.2021. That both of them disclosed that they sold 2 boxes each of the said tablets to Dhano Kaur, Charano & Bhuro Kaur and present petitioner was nominated as an accused on the basis of

disclosure statement of Dhano Kaur, Charano & Bhuro Kaur that they used to purchase medical intoxicant from him and consequently the present petitioner was formally arrested on 20.9.2021. The counsel for the petitioner further submits that no contraband was recovered from the petitioner in the present case and after completion of investigation, police has presented the challan and now trial is in progress but it will take considerable time for the trial to conclude. The counsel for the petitioner further submits that in the given circumstances, no purpose is going to be served by keeping the petitioner behind bars for any longer period

The instant petition is resisted by the State counsel, who filed reply by way of affidavit of Mr. Satvir Singh, DSP, Sub-Division Barnala on behalf of the respondent-State. The State counsel on instructions from ASI Avtar Singh has not disputed the fact that petitioner was not named in the FIR and his name surfaced in the disclosure made by Dhano Kaur, Charano & Bhuro Kaur and that the petitioner is in custody for the last more than 1 year and that after completion of investigation challan was presented and after framing of charges now the case is fixed for prosecution evidence. The State counsel further apprised the Court that petitioner is involved in one another case registered under NDPS Act and as such present petition has been opposed by the State counsel.

I have considered the submissions made by counsel for the parties.

Admittedly the petitioner was not named in the FIR and he was arraigned as an accused on the basis of disclosure statement alleged to be made by Dhano Kaur, Charano & Bhuro Kaur. The admissibility and

veracity of the aforesaid disclosure statement would be tested during the course of trial. The petitioner was arrested in this case on 20.9.2021 and after completion of investigation challan has been presented and now the case is fixed for prosecution evidence and it will take considerable time for the trial to terminate. In the present case, no contraband was recovered from the petitioner.

In view of the above, as it will take time for the trial to conclude, so no purpose is going to be served by keeping the accused behind the bars for any longer period.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

11.10.2022
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No