

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-49869-2021

DATE OF DECISION: JANUARY 6, 2022

HARPAL SINGH @ PALA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. KARANDEEP S. SIDHU, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SINGH SANDHU, SR.DAG. PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.66 dated 7.8.2021, under Section 22, 27, 29 NDPS Act, Police Station Sadar Abohar, who is in custody since his arrest on 11.9.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Fazilka, in the order dated 29.10.2021, are as under:-

“The present FIR was registered at the instance of ASI Harbans Singh on the allegations that on 07.08.2021 he alongwith other police officials was present in the area of Village Bahawalbassi, that there he received a secret information that Dara and Harjit Singh were habitual of selling intoxicated tablets and on the same day they were coming from Delhi on canter bearing No.PB03AX-4646 alongwith intoxicated tablets and were going towards village Bhama via Malout and Abohar. It was further reposed that if immediately raid is conducted, accused could be arrested alongwith heavy quantity of intoxicated tablets. Finding the information to be trustworthy, Ruqa

was prepared, on the basis of which, present FIR was registered. Thereafter, raid was conducted at the appropriate place and from the side of accused Dara Singh and Harjit Singh 16140 intoxicated tablets were recovered.”

Learned counsel for the petitioner has argued that the alleged contraband was recovered from co-accused Dara Singh and Harjeet Singh, who were arrested on the spot and subsequently, on the disclosure statement made by accused Dara Singh, the petitioner and another co-accused, namely, Satpal Singh @ Satta were indicted on 10.8.2021. Learned counsel has further argued that the said co-accused Satpal Singh @ Satta has already been released on regular bail vide order dated 16.12.2021, passed in CRM-M-39547-2021. He submits that the petitioner was already in custody in case FIR No.134 dated 9.9.2021, under Section 22/16/85 NDPS Act, Police Station Khui Sarwar, District Fazilka, when he was indicted in this case. Learned counsel has argued that the case of the prosecution is based upon comparatively a weak nature of evidence and as similarly situated co-accused is on bail, the petitioner be also released on regular bail.

On the other hand, learned counsel for the State assisted by ASI Jaswant Singh has not disputed the factual aspect and has submitted that the petitioner was implicated on the strength of disclosure statement by Dara Singh. He fairly states that the case of the petitioner is at par with the case of the co-accused Satpal Singh @ Satta, who is on bail.

Considering the above background and the fact that similarly situated co-accused of the petitioner has already been granted regular bail, this Court is of the opinion that further detention of the petitioner behind the

bars may not be necessary for any useful purpose who is presently confined in judicial custody after his arrest on 11.9.2021, as the trial of the case would also to consume considerable time to conclude.

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 concerned.

The petition is allowed.

January 6, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No