

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-51423-2021 (O & M)

Date of decision: 03.03.2022

Sonu Chaurasia

..... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sagar Aggarwal, Advocate, for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition is for the grant of regular bail under Section 439 Cr.P.C. in a case bearing FIR No.31 dated 13.03.2019 under Section 21 of the NDPS Act registered with Police Station Goraya, District Jalandhar.

The learned counsel for the petitioner contends that the petitioner is not named in the FIR as an accused. The arrested co-accused Rajinder Singh is said to have named the petitioner. Rajinder Singh allegedly led the police party toward the truck bearing No.PB10-CW-9865 which was said to be driven by the petitioner.

The allegations are that the petitioner on seeing the police party, ran away from the spot leaving the truck behind and 10 Grams of heroin was recovered from the aforesaid truck.

The learned counsel for the State contends that the petitioner is an accused in an earlier FIR as well. In response thereto, a reference has been made to an order dated 23.11.2021 whereby the petitioner has been granted bail in another FIR No.89 dated 16.05.2020 under Sections 188, 269 IPC, Sections 22/29 of the NDPS Act and Section 3 of the Epidemic Diseases Act registered at Police Station Kotwali, District Kapurthala, by this Court. The learned State counsel further submits that, in this case, the petitioner was declared a proclaimed offender but has been arrested on

15.12.2020 and is in custody since then. He produced a custody certificate dated 02.03.2022 in Court today. The same is taken on record.

I have heard the rival contentions of both the parties.

The petitioner is not named in the FIR and is named in the disclosure statement of the co-accused. As per the allegations, 10 grams of heroin were recovered from the truck, which was being driven by the petitioner, though, no recovery has been effected from the person of the petitioner. According to the custody certificate, the petitioner has undergone a total custody period of 01 year 02 months and 15 days as on date and as many as 13 PWs are cited in the list of witnesses. Therefore, the trial is not likely to conclude in the near future.

Keeping in view the aforementioned facts, without going into the merits of the case, the present petition is allowed and the petitioner-Sonu Chaurasia son of Ram Dass is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Jalandhar.

The petitioner shall mark his presence on the 1st Monday of every month at Police Station Goraya, District Jalandhar.

(JASJIT SINGH BEDI)
JUDGE

March 03, 2022
sukhpreet

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