

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

(THROUGH VIDEO CONFERENCING)

CRM-M-52812-2021

Date of Decision: 3.3.2022

Rajinder Singh @ Jinder

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. Manpreet Ghuman, Advocate, for the petitioner.

Mr. C.L.Pawar, Sr. DAG, Punjab.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.113 dated 18.4.2021 registered for the offences punishable under Sections 21, 25 and 29 of NDPS Act at Police Station Patran, District Patiala.

Counsel for the petitioner submitted that the petitioner was not named in the FIR and was later on nominated as accused on the basis of disclosure alleged to be made by co-accused Shanker Singla. It is further contended that no recovery of contraband was effected from the petitioner in the present case and the investigation has already been completed.

Counsel for the State who has opposed the present petition, submitted that the petitioner is facing 5 other criminal cases. He further submitted that as per the allegations appearing on record, the petitioner is involved in drug trafficking.

I have considered the submissions made by the counsel for the

Present case is relating to recovery of 40 gram of smack which is stated to be recovered from possession of co-accused Ramanjit Singh @ Rammi by the police on 18.4.2021. There are also allegations that Ramanjit Singh @ Rammi disclosed that he purchased the said smack from Shankar Singla and on arrest of Shankar Singla, he disclosed that the present petitioner was also involved in the aforesaid transaction. There are also allegations that Shankar Singla got recovered 1 KG 250 grams of smack from his house and during further investigation, the petitioner was arrested in the present case after obtaining his production warrants from the Court concerned. The petitioner was arrested on 21.4.2021 and since then, he is in custody. As per counsel for the State, the investigation has already been completed. Admittedly, no recovery of contraband was effected from or at the instance of the petitioner in the present case. Admissibility of the aforesaid disclosure statement made by co-accused against the petitioner would be tested during the course of trial. The petitioner is not absconding in any other criminal cases which are pending against him. This Court is of the view that pendency of other criminal cases would not be a ground to reject the present petition.

Having regard to the facts and circumstances of the case and that the petitioner has been nominated as accused solely on the basis of disclosure statement, without going into the merits of the case, the present petition is hereby 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.

March 3, 2022

Paritosh Kumar

Whether speaking/reasoned

Whether reportable

(KARAMJIT SINGH)

JUDGE

Yes/No

Yes/No