

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52219-2021 (O&M)
Date of decision: 28.03.2022

Harpal Singh @ Bhola

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Bhatia, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.03 dated 21.01.2020 under Section 304 IPC and Sections 27/29 of NDPS Act, registered at Police Station Verka, District Amritsar.

Learned counsel for the petitioner submits that the petitioner is in custody for the last about 08 months; investigation is complete and till date, the charges have not been framed. Learned counsel relies upon the order dated 16.03.2022 passed in CRM-M-32900-2021, vide which co-accused Sajan has been granted the concession of regular bail. The operative part of the order reads as under: -

“...Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Harpal Singh, it is stated that he and his cousin brother Varinder

Singh @ Gullu used to take heroin since long by buying the same from co-accused Jalwant Singh @ Jaj. On 20.01.2020, he along with his cousin brother bought heroin and injected the same into their arms and after taking the heroin through injections, the complainant and his cousin brother became unconscious. In the morning, the complainant gained conscious and he tried to wake up his cousin but he did not wake up. Thereafter, the complainant was admitted to a hospital, where he came to know that Varinder Singh @ Gullu has died.

Learned counsel for the petitioner further submits that the petitioner is not named in the FIR and his name surfaced in the disclosure of aforesaid co-accused Jalwant Singh @ Jaj as a person, from whom he used to procure the heroin.

Learned counsel for the petitioner further submits that petitioner is in judicial custody for the last more than 01 years and 01 month; he is not involved in any other case and conclusion of trial is likely to take a long time as even charges have not been framed so far.

*Learned counsel for the petitioner relies upon the judgments rendered by Hon'ble Supreme Court in **Tofan Singh vs. State of Tamil Nadu, (2021) 4 SCC 1** and **State By (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr. 2022 Live Law (SC) 69** to submit that it will be a matter of trial whether the disclosure of the co-accused is admissible against the petitioner or not.*

Learned State counsel, on the basis of the affidavit of the SHO concerned, submits that during investigation, the call details of the mobile phone of the petitioner as well as co-accused Jalwant Singh @ Jaj were taken and co-accused Jalwant Singh @ Jaj was found to be in touch with the deceased and the location of his mobile phone was found to be at the place, where Varinder Singh @ Gullu had died.”

Learned counsel has submitted that the petitioner has been nominated in the FIR on the basis of disclosure statement of co-accused Jalwant

Singh @ Jaj, as the person, who has supplied heroin to the deceased. It is further submitted that case of the petitioner is on similar footings as of co-accused Sajan, as his name was also surfaced in the disclosure statement of co-accused Jalwant Singh @ Jaj.

Learned State counsel, on the basis of custody certificate dated 25.03.2022 filed in the Court today and the affidavit of SI Surjit Singh, SHO, Police Station Verka, Amritsar City, has not disputed the factual position.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

28.03.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No