

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

(THROUGH VIDEO CONFERENCING)

CRM-M-54406-2021

Date of Decision: 3.3.2022

Sagar

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Lokesh Vohra, 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.0093 dated 10.8.2021 registered for the offences punishable under Sections 21 and 29 of NDPS Act at Police Station Kulgari, District Ferozepur.

Counsel for the petitioner has submitted that no recovery of contraband was effected from the petitioner who is in custody since 6.9.2021. He further submitted that investigation has been completed but it will take time for conclusion of the trial which is yet to begin.

On the other hand, counsel for the State submitted that in the present case, 500 grams of Heroin was recovered from co-accused Shinder Pal, Sandeep Kumar and Wilson while they were traveling in one car. He further submitted that on the basis of disclosure made by the aforesaid persons, the present petitioner was nominated as accused and accordingly,

he was arrested on 6.9.2021. He further submitted that during his interrogation, the present petitioner named one Sucha Singh who was also later on arrested. Then one Neeraj Rana was also nominated as accused in the present case. Counsel for the State while referring to custody certificate submitted that the petitioner is also facing one another criminal case under NDPS Act and as such is not entitled to the grant of regular bail.

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

Admittedly, the petitioner was not arrested from the spot from where 500 grams of Heroin was stated to have been recovered from the possession of co-accused Shinder Pal, Sandeep Kumar and Wilson. It is not the case of the prosecution that the petitioner escaped from the place of recovery. Counsel for the State has not denied the fact that actually, no recovery was effected from the possession of the petitioner during the investigation of the case.

The investigation has already been completed in the present case. This Court is of the view that pendency of one another criminal case could not be made ground to decline bail in the present case.

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 adverting to 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