

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM-M-54625 of 2021
Date of Decision:10.01.2022**

Sahab Singh @ Sabbi @ Sarabjit Singh

---Petitioner

versus

State of Haryana

---Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. D.N.Ganeriwala, Advocate
for the petitioner

Mr. Karan Garg, AAG, Haryana

HARSIMRAN SINGH SETHI, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.97 dated 23.03.2021 registered under Sections 21 and 31 (added later on) of the NDPS Act, at Police Station Kurukshetra University, Kurukshetra.

Learned counsel for the petitioner argues that the petitioner was not named in the FIR and no recovery of the contraband has been recovered from him and he has only been roped in the present case on the basis of disclosure statement of the co-accused namely Satnam Singh and even Satnam Singh has already been extended the concession of regular bail by the trial court on 21.5.2021(Annexure P-3).

The learned counsel for the petitioner submits that keeping in view that nothing has come against the petitioner so far except the disclosure statement made by co-accused Satnam Singh, which is not at all the admissible evidence, the petitioner may kindly be extended the

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concession of regular bail as the trial is likely to take some time before it concludes and the petitioner, if extended concession of regular bail will maintain good conduct and will not influence the trial or the witnesses in any manner.

Learned counsel for the respondent-State submits that the petitioner is a habitual offender and, he was involved in six cases though out of six cases, he has already been acquitted in five but convicted in one case.

Learned counsel for the petitioner submits that in FIR No. 45 dated 31.1.2010 wherein the petitioner has been convicted, the petitioner is already behind the bars and is undergoing sentence though, the application seeking suspension of sentence is pending for consideration in this court.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that the petitioner in the present case is roped in only on the basis of the disclosure statement of the co-accused Satnam Singh and the said co-accused Satnam Singh, from whom the contraband was recovered, which quantity was not commercial in nature, has already been extended the concession of regular bail by the trial court, no useful purpose will be achieved by keeping the petitioner behind the bars throughout the trial as the petitioner has undertaken before this Court that he will comply with all the terms and conditions imposed while granting concession of bail, the petitioner will maintain good conduct and will not influence the trial or the witnesses in any manner.

Keeping in view the facts and circumstances of the present case, the petitioner has made out a case for the grant of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned, unless required to be retained behind bars in any other case.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

(HARSIMRAN SINGH SETHI)
JUDGE

10.01.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No