

CRM-M-3894-2023

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2023:PHHC:058228

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-3894-2023

Date of Decision: 25.04.2023

Randhir Singh @ Dheera

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. A.S. Brar, Advocate for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 24.04.2023 filed by learned counsel for the State is taken on record.

The petitioner has filed the present second petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No. 116 dated 06.07.2022 registered under Section 21 of the NDPS Act (Section 29 of the NDPS Act was added later on) at Police Station Nihal Singh Wala, District Moga.

Briefly, the aforesaid FIR was registered by the police on the allegations that when the police party headed by ASI Jaswant Singh was present at T-point Bilaspur in connection with patrol duty and checking of bad elements, they received a secret information that

Lakhvir Singh used to sell intoxicant tablets. At present, he was standing on Himmapura to Bilaspur G.T. Road and waiting for clients. If, *Nakabandi* is done, he can be apprehended along with intoxicant tablets. Thereafter, co-accused-Lakhvir Singh, was apprehended and 120 loose tablets were recovered from him. Later on, during interrogation, the petitioner was nominated in the present case by virtue of Section 29 of the NDPS Act.

Learned counsel, *inter alia*, contends that petitioner was not named in the FIR. He has falsely been implicated in the present case under Section 29 of the NDPS Act, on the statement of co-accused-Lakhvir Singh to the effect that he had procured the alleged intoxicant tablets from the petitioner. Nothing has been recovered from the petitioner. There is no link evidence to connect the petitioner with the main accused-Lakhvir Singh. Petitioner is in custody since the date of his arrest. Trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that he may be released on regular bail.

On the other hand, learned counsel for the State vehemently opposed the submissions made by learned counsel for the petitioner.

Keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that the petitioner was nominated in the present FIR by virtue of Section 29 of the NDPS Act, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner, namely;

Randhir Singh @ Dheera, is ordered to be released on regular bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

However, the State will be at liberty to file application for cancellation of petitioner's bail, if he is found involved in any other case under the NDPS Act, during the period of bail.

25.04.2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No