

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(201)

**CRM-M-5701-2023
Decided on : 08.08.2023**

Amandeep Singh @ Amni

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

Present:- Mr.Vivek K.Thakur, Advocate for the petitioner (s).

Mr.Gaurav Garg Dhuriwala, Addl. AG, Punjab.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of bail in FIR No.0173 dated 18.09.2013 registered under Sections 22, 29 of the NDPS Act, Sections 18(c), 27(b)(2) and 27(d) of the Drug and Cosmetic act, 1940 at Police Station Shambu, District Patiala.

2. The Special Court at Patiala while noting that the petitioner is in judicial custody since 19.06.2022, dismissed the bail application mainly on the ground that the petitioner was declared Proclaimed Offender way-back on 24.04.2014. It was noticed that 6 co-accused had already been convicted by the said Court and their appeals are pending before this Court and there was huge quantity of intoxicant material recovered from the co-accused. The offence being serious, the benefit of grant of bail was accordingly declined.

3. Mr. Dhuriwala on instructions from ASI-Angrej Singh, has pointed out that supplementary challan has already been filed and the formal charge is yet to be framed.

4. Counsel for the petitioner has accordingly argued that it is a case of no recovery and the petitioner has been implicated only on account of the secret information given to the police authorities and his name has found mention in the FIR. However, he was not apprehended at the spot and on the statement of the co-accused from whom recovery was effected, he has been involved in the said case.

5. From the perusal of the FIR it is apparent that though the information was there that the petitioner belongs to Bhikhiwind, District Tarn Taran and was doing the business of selling of intoxicant capsules, but he was not arrested at the spot whereas Anil was arrested at the spot who was sitting in the middle of 5 plastic bags allegedly containing 2498 pouches of Microlit each equaling 249800 capsules of Microlit. Apparently, from the other accused, various other recoveries were also effected which are substantial in quantity and come within the ambit of commercial recoveries.

6. However, in the case of the petitioner, there is no such allegation in the status report filed by the Deputy Superintendent of Police, Circle Ghanaur, District Patiala. The supplementary challan having been presented on 31.12.2022 would go on to show that the investigation is complete and therefore, the trial is likely to take considerable time.

7. Accordingly, keeping in view the cumulative facts and as Mr. Dhuriwala is not able to point out whether the petitioner is involved in any other similar case, we deem it appropriate to grant the benefit of regular bail.

8. Accordingly, the present petition is disposed of, with direction that the petitioner-Amandeep Singh @ Amni shall be released on bail on furnishing of bail bonds/surety bonds to the satisfaction of the Special Court at Patiala.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

August 08, 2023
Sailesh

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