

2023:PHHC:066896

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No. 226

CRM-M-8575-2023

Date of Decision:-09.05.2023

KULWINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Narender Singh Kamboj, Advocate for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

KARAMJIT SINGH, J. (Oral)

1. This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.51 dated 17.06.2021 under Sections 22© & 29 of NDPS Act, 1985 and Sections 420, 467, 468 & 471 of IPC registered at Police Station Sadiq, District Faridkot.

2. The allegations in nutshell are that the petitioner was nominated as accused in the present case on the basis of disclosure statement made by co-accused Jagroop Singh and as per prosecution, the police recovered commercial quantity of medical intoxicants from aforesaid Jagroop Singh and his co-accused Gurmeet Singh and Rupinder Singh on 17.06.2021. The petitioner was arrested in the present case on 04.10.2022.

3. Counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the present case on the basis of the alleged disclosure statement made by co-accused Jagroop Singh and that the veracity and admissibility of the same will be tested during trial.

Counsel for the petitioner further submits that at the time of registration

of the present FIR against Jagroop Singh, Gurmeet Singh and Rupinder Singh, the petitioner was lodged in judicial custody in some other case. Counsel for the petitioner further submits that the trial is not progressing ahead and thus, prayer has been made for releasing the petitioner on bail.

The present petition is contested by the State counsel who submits that initially Jagroop Singh, Gurmeet Singh and Rupinder Singh were arrested in this case along with heavy quantity of contraband and during investigation, co-accused Jagroop Singh disclosed the name of the petitioner to be the person to whom he used to sell the medical intoxicant. The State counsel further submits that the petitioner was arrested in this case on 04.10.2022 and during investigation no contraband was recovered from him. The State counsel has not disputed the fact that the trial is at initial stage and till date, no prosecution witness has been examined.

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

5. Admittedly, the petitioner was not named in the FIR and later on nominated as an accused on the basis of alleged disclosure statement made by co-accused Jagroop Singh and the relevance and admissibility of the said disclosure statement is subject matter of trial. The petitioner who was arrested on 04.10.2022 is presently lodged in judicial custody but it will take considerable time for the trial to conclude. In the given circumstance, no useful purpose is going to be served by keeping the petitioner in custody.

6. Thus, without commenting on the merits of the case, the petition is 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.

09.05.2023
yogesh

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No