

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

CRM-M-8246-2023

Date of Decision: 21.02.2023.

**PAWANDEEP SINGH @ BILLA @ SUNNY ... PETITIONER
VS.**

STATE OF PUNJAB .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. D.S.Bhinder, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

The petitioner is seeking regular bail in the case bearing FIR No. 128 dated 16.12.2022 under Section 22 of the NDPS Act and Section 25 of the Arms Act (Sections 25(6) and 25(7) of the Arms Act added subsequently) registered at Police Station Mehna, District Moga.

Custody certificate has been placed on record.

Learned counsel for the petitioner contends that the FIR has been registered in pursuance of recovery of two country made pistols and live cartridges alongwith 350 tablets of Tramadol from the possession of Sandeep Singh @ Seepa and Harjit Singh @ Gabbar while they were coming on a motorcycle. The petitioner has been nominated on the basis of disclosure statement of co-accused, Sandeep Singh. The allegations against the petitioner are with regard to supply of firearm to the co-accused. There is no allegation to indicate that the petitioner had supplied the narcotics/psychotropic substance to any of the co-accused.

Learned State counsel has not disputed the aforesaid factual aspects but has argued that five live cartridges have also been recovered from the possession of the petitioner and he is also involved in another case

bearing FIR No.105 dated 11.05.2018 under Sections 25/27 of the Arms Act and Sections 336 and 120-B IPC registered at Police Station City Faridkot.

It may be mentioned there that the other case registered against the petitioner pertains to the year 2018. In the instant case, only five live cartridges have been allegedly recovered from the possession of the petitioner without the recovery of any firearm. The petitioner has been nominated on the basis of the disclosure statement of the co-accused. There is no allegation to indicate that any contraband under NDPS Act has been supplied by the petitioner to the co-accused or any such contraband has been recovered from his possession. The petitioner is in custody for a period of 02 months and 02 days. Investigation of the case is complete and challan has already been presented. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.

In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

21.02.2023
smriti

(VIVEK PURI)
JUDGE

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