

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-11766-2022 (O&M)

Date of Decision: 16.1.2023

Amritpal Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. J.S.Sandhu, Advocate
for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.20 dated 5.2.2020 registered for the offences punishable under Sections 21, 29 of NDPS Act at Police Station Bhogpur, District Jalandhar.

FIR in this case was registered against co-accused Amandeep Singh, as per which, 260 grams of Heroin was recovered from said Amandeep Singh by the police on 5.2.2020. Thereafter, the name of the present petitioner surfaced during the disclosure statement made by said Amandeep Singh to the effect that he procured the said contraband at the instructions of the present petitioner. Thereafter, the petitioner was named as accused and was arrested on 5.4.2021 and since then, he is in custody.

Counsel for the petitioner *inter alia* contends that the petitioner is falsely implicated in this case and at the relevant time, he was lodged in jail and is in custody in the present case for the last more than 1 year and 8

months and no contraband was recovered from him in the present case. He further submits that main accused-Amandeep Singh faced trial and stands acquitted vide judgment dated 4.8.2021 and copy of the same is taken on record.

State counsel submits that the trial against the petitioner is going ahead and only 3 prosecution witnesses remains to be examined and that the petitioner is having criminal history including one another case under NDPS Act. Counsel for the petitioner submits that in the said case faced by the petitioner, he already stands enlarged on bail.

In view of the fact that main accused stands acquitted and the present petitioner is named as accused only on the basis of the disclosure made by the said main accused, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

January 16, 2023
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No