

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

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**CRM-M-12493-2023 (O&M)
Decided on : 20.03.2023**

Sona Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Kamal Narula, Advocate
for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to petitioner, namely, Sona Singh @ Dhuli, aged 41 years, who has been booked for having committed the offences punishable under Sections 21, 29 of NDPS Act, (Sections 61 and 85 of NDPS Act added later on), in case FIR No. 138 dated 27.08.2022, registered at Police Station City Jalalabad, District Fazilka.

2. Learned counsel for the petitioner submits that as per allegations in the FIR, complainant- Jarnail Singh's son Amandeep Singh became drug addict and thus, he suspected 08 persons, whose name had been mentioned therein. He submits that infact all 08 persons made available the intoxicants to his son Amandeep Singh. Counsel submits that two of the co-accused namely, Sandeep Singh and Surjeet Bai @ Surjeet Kaur have already been granted bail by co-ordinate Bench of this Court vide order dated 02.02.2023 passed in CRM-M-55114-2022, and order dated 20.02.2023 in CRM-M-6826-2023 respectively. He further points out that Manpreet Kaur

@ Mani, Sherry and Bobby have also been granted bail by co-ordinate Bench of this Court, however, petitioner is not possessed with the orders presently.

Counsel further submits that name of the petitioner surfaced in the disclosure statement of Gurcharan Singh @ Gandari, who has already been granted bail by the co-ordinate Bench of this Court, vide order dated 02.02.2023 in CRM-M-56789-2022. He further submits that there is no other link evidence available against the petitioner. Thus, counsel seeks regular bail of the petitioner.

3. Per contra, Mr. J.S. Arora, DAG, Punjab while opposing the bail, submits that petitioner has committed crime against the society and now a days these types of crime are in increasing trend, therefore, he should not be granted bail.

Learned DAG, Punjab, on instructions from ASI Amrik Singh, submits that there are other cases under gambling act, pending against the petitioner, but none of them is under the NDPS Act.

Upon this, learned counsel for the petitioner very fairly submits that there is one more case under NDPS Act pending against the petitioner in regard to a "small quantity" of contraband recovered from the petitioner and he is already on bail in the said case.

4. I have considered the submissions of both the sides, and perused the case file and also gone through the order dated 02.02.2023, whereby co-accused Gurcharan Singh @ Gandri has been granted bail.

5. Undoubtedly, this is not the case of prosecution that recovery of contraband has been effected from the possession of the petitioner. Learned State counsel admits the fact that name of the petitioner is surfaced only in the disclosure statement of Gurcharan Singh @ Gandri, who has already been granted bail by the co-ordinate Bench of this Court.

6. In totality of the facts and circumstances as submitted by respective counsel and as recorded here-in above, no purpose can be achieved by keeping petitioner inside jail for indefinite period, when trial is pending for its decision. Therefore, present petition is **allowed**.

7. Accordingly, petitioner is ordered to be released on bail in this case, subject to the furnishing of bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Observations made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

9. However, it is made clear that in future if the petitioner is found involved in any case of similar nature, the respondent-State would be at liberty to take necessary steps for cancellation of bail granted to the petitioner in present case.

10. Disposed of.

(SANJAY VASHISTH)
JUDGE

20.03.2023

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