

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-14126 of 2022

Date of decision: 10th April, 2023

Bhan Singh @ Bhan @ Bhana

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Saurav Bhatia, Advocate for the petitioner.
Mr. I. S. Mann, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

This is a second petition seeking regular bail in FIR No. 154 dated 2.8.2021, under Sections 22 and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (for short, 'the Act'), registered at Police Station, Sadar Kapurthala.

The first petition was dismissed as withdrawn at that stage on 7.2.2022.

The brief facts are that on 2.8.2021, the police party acting upon a secret information apprehended petitioner Bhan Singh @ Bhan @ Bhana along with Jaskaran Singh @ Bunty and Deepak Kumar from a car bearing registration No. PB-09-AH-6729 and recovered fourteen injections of Buprenorphine from the dash board of the car.

Learned counsel for the petitioner submits that the petitioner is in custody since 2.8.2021, no recovery was made from the conscious possession of the petitioner, he was neither the owner nor the driver of the car and he is not involved in any other case under the Act. The contention is that the trial is not progressing.

Learned counsel for the State opposes the prayer for grant of

bail. He submits that commercial quantity was recovered from the car and the petitioner is involved in six more cases under Section 379 IPC. On instructions, he fairly submits that no prosecution witness has been examined till date.

Learned counsel for the petitioner submits that on the same date in the same police station, the petitioner has been implicated in six other cases.

The observations made hereinafter shall not be construed as an expression of opinion on the merits of the case.

The petitioner is in custody since 2.8.2021; investigation is complete; conclusion of trial is likely to take time and the petitioner is not involved in any other case under the Act. Considering the peculiar facts the issue of petitioner's involvement in other cases is debatable. The Supreme Court in *SLP (Crl.) No. 6690 of 2022-- Dheeraj Kumar Shukla v. The State of Uttar Pradesh*, decided on 25.1.2023 granted bail in similar circumstances, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

10th April, 2023
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1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No