

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-13547-2023

Date of Decision: 18.5.2023

Jarnail Singh @ Jaily

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Karandeep S. Sidhu, Advocate
for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab

KARAMJIT SINGH, J.

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.112 dated 7.7.2022 registered for the offences punishable under Sections 21 of NDPS Act and Sections 353, 332, 186, 224, 225, 148, 149 IPC at Police Station City Jalalabad, District Fazilka.

2. The allegations in nutshell are that the police received secret information against Swarn Singh and Mahinder Kaur who were stated to be indulging in sale of Heroin in the house of aforesaid Mahinder Kaur and then the said premises were raided by the police and Swarn Singh and Mahinder Kaur were found present there but in the meantime, the petitioner along with 11 persons reached the spot and obstructed the police officials from doing their official duty and also facilitated Swarn Singh in escaping from there while Mahinder Kaur was arrested and 10 grams of Heroin was recovered from her possession. Later on, the petitioner was arrested in this

case on 13.2.2023.

3. Counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and even main accused who is stated to have escaped from the spot was later on granted bail vide order dated 18.11.2022 (Annexure P-5). He further submits that the petitioner is presently lodged in judicial custody and it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be released on regular bail.

4. Present petition is contested by the State counsel who submits that the petitioner along with his companions helped Swarn Singh in escaping from the spot while another accused Mahinder Kaur was apprehended along with 10 grams of Heroin. However, the State counsel has not disputed the fact that the petitioner is in custody for the last more than 3 months and the police has presented the challan but the trial is at its initial stage.

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

6. Admittedly, no contraband is stated to have been recovered from possession of the petitioner who is in custody since 13.2.2023. The only allegations against the petitioner are that he facilitated co-accused Swarn Singh in escaping from the spot when the police party raided the premises of Mahinder Kaur on the basis of the secret information and apprehended Mahinder Kaur with 10 grams of Heroin which comes under non-commercial quantity of contraband. Further, from the perusal of order dated 18.11.2022 passed by Coordinate Bench of this Court in CRM-M-52194-2022 (Annexure P-5), it appears that co-accused Swarn Singh who at

the time of the raid succeeded in escaping from the spot, has been granted concession of regular bail. Further, as has been apprised by the State counsel, trial is at its initial stage. So, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

7. 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 regular 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

May 18, 2023
Paritosh Kumar

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