

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

CRM-M-16113-2022

Date of Decision:13.10.2023

Sunny Arora

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Vivek Salathia, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 18 dated 25.01.2022 ,registered under Sections 379,411,420,473,489-A,489-B,489-C and Sections 419,420,120-B of IPC added vide DDR No.37 dated 04.02.2022 (Annexure P-2) and Section 21,23 of NDPS Act and 25 Arms Act (Annexure P-1) registered at Police Station Sadar Ferozepur, District Ferozepur.

2. Learned counsel for the petitioner contends that the FIR in the present case was registered on the basis of a secret information against non- applicants Balwinder Singh, Tek Chand, Vikram and Arun Bhatti etc. with the allegations that they were indulging in smuggling and huge quantity of heroin, forged currency, arms and ammunition etc. from Pakistan were bring transported illegally and the contraband and fake currency etc. were being supplied in India on stolen vehicles. Learned counsel further contends that

neither the petitioner was named in the FIR nor had any connection with the allegations levelled by the complainant in the present FIR. Learned counsel further contends that he had no connection with illegal activities, which were being carried out by his co-accused . There was no call detail between the petitioner and his co-accused nor there was any financial transaction between the petitioner and his co-accused. He further contends that as per him, the petitioner had only supplied the sim card on a basis of a fake indentity of a person, who is the BSF official and was not involved in the crime in any manner. Learned counsel further submits that the prosecution had not been able to collect any evidence, which could even suggest that the petitioner was having any knowledge that the sim issued by him used for smuggling or for commission of some other offence by any accused. He further contends that the petitioner was arrested in the present case on 04.02.2022 and is in custody for the last one year and eight months. He further contends that the prosecution had relied upon 29 witnesses and no witness has been examined so far.

3. On the other hand learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that in the present case, serious allegations have been levelled against the co-accused. However, he is not in a position to controvert the fact that the petitioner had no connection with his co-accused. He also submits that there is no other case against the petitioner and he was never involved in any criminal activity.

4. I have heard learned counsel for the parties and perused the record.

5. It is not in dispute that the petitioner was arrested in the present case on 04.02.2022 and is in custody for the last more than one year and eight months. It is also evident that no witness out of total 29 witnesses have been

examined by the prosecution so far. Still further, the prosecution has not produced any evidence to show that the petitioner is in a position to inflence the witnesses of the prosecution.

6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate

13.10.2023

hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No