

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19213-2022
Date of Decision:-29.03.2023

MALL SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

-.-

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.13 dated 19.02.2021 registered under Section 22 of NDPS Act at Police Station Lakho Ke Behram, District Ferozepur.

The allegations in nut-shell are that the police apprehend one Amarjit Singh and recovered 2400 tablets make Tramadol Hydrochloride-100 mg, Clovedol-100 SR and Tramadol Hydrochloride tables RL-DOL-100 SR from him on 19.2.2021. The present petitioner was nominated as accused on the basis of disclosure statement made by Amarjit Singh to the effect that he purchased said medical intoxicants from the petitioner and

consequently the petitioner was nominated as an accused in the present case and was arrested on 6.8.2021.

The counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case on the basis of alleged disclosure statement made by co-accused Amarjit Singh which will be tested during the trial. The counsel further submits that the petitioner is incarcerated since 1 year and 7 months and during investigation no contraband was recovered at the instance of the petitioner. The counsel for the petitioner further submits that the trial is not progressing ahead. The counsel further submits that indeed the petitioner is involved in one another case under the NDPS Act.

Short affidavit of Mr. Gurnam Lal, Superintendent, Central Jail, Ferozepur filed on behalf of the respondent-State is ordered to be taken on record along with copy of medical report (Annexure R-1).

The instant petition is resisted by the State counsel, who submits that in the instant case petitioner was nominated as an accused on the basis of disclosure statement of Amarjit Singh from whom police recovered commercial quantity of medical intoxicant. However the State counsel has disputed that the petitioner is in custody since 6.8.2021 and during investigation no objectionable article was recovered at the instance of the petitioner and till date prosecution has not examined any witness during trial. The State counsel while referring to the custody certificate submits that the petitioner is involved in one another case under the NDPS Act.

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

Admittedly the petitioner was not named in the FIR which was registered against Amarjit Singh from whom police recovered commercial quantity of medical intoxicant. The petitioner was nominated as accused on the basis of alleged disclosure statement made by said Amarjit Singh against him, veracity and admissibility of the same is subject matter of trial. The petitioner was arrested in this case on 6.8.2021 and during investigation no contraband was recovered from the possession of the petitioner. Further the trial is not progressing ahead as till date no witness on behalf of the prosecution has been examined. No doubt the petitioner is also involved in one another case under NDPS Act but same cannot be considered as embargo for grant of bail to the petitioner in the present case.

In the given circumstances, no purpose is going to be served by prolonging judicial custody of the petitioner. Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

29.03.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?

Yes / No

Whether reportable?

Yes / No