

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

**CRM-M-22029-2023
DECIDED ON: 08.05.2023**

KALA @ LADDI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail in FIR No.133, dated 23.07.2020, under Sections 22 & 29 of NDPS Act, 1985, registered at Police Station City Dhuri, District Sangrur.

Learned counsel for the petitioner contends that no recovery has been effected from the conscious possession of the petitioner and he has been arrayed as an accused on the basis of disclosure statement of co-accused namely Kaki. He further contends that except the said disclosure statement, there is no other cogent evidence with the prosecution to connect the petitioner with the instant case.

He further asserts that the case of the petitioner is at better footing, than the other co-accused from whom the alleged recovery has been effected, who has been granted the concession of regular bail vide order dated

13.04.2023 (Annexure P-4) passed in CRM-M-49553-2022 by the co-ordinate Bench of this Court.

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner is behind the bars for the last 2 years, 3 months and 20 days. He further submits that the petitioner is an habitual offender, who is involved in various other cases, therefore does not deserve the concession of regular bail.

Be that as it may, considering the fact that no recovery has been effected from the possession of the petitioner and he has been arrayed as an accused on the basis of disclosure statement of co-accused, who has been granted the concession of regular bail. As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as ***“Baljinder Singh alias Rock vs. State of Punjab”*** decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

In light of the above, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the

Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

08.05.2023

(SANDEEP MOUDGIL)
JUDGE

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>