

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

207

CRM-M-24673-2023 (O&M)

Date of Decision: 19.05.2023

Amarjeet Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr.Dinesh Kumar, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

SANDEEP MOUDGIL, J. (ORAL)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No. 37 dated 03.03.2019 under Section 22 of NDPS Act, 1985, registered at Police Station Lambi, District Sri Muktsar Sahib.

2. Custody certificate dated 17.05.2023 filed by the State is taken on record.

3. Learned counsel for the petitioner contends that the petitioner was arrested in the instant FIR after a gap of four years on 12.03.2023, whereas the FIR was registered on 03.03.2019. It is also asserted that the alleged recovery of contraband is not from the petitioner's possession in any kind, whatsoever, and the same was from the other co-accused persons namely Jaswant and Ajay Pal, who during the course of investigation named

the other three accused, including the petitioner. The counsel for the petitioner has made much stress to the effect that despite implicating him in other cases on the basis of disclosure statement of the other co-accused persons, still no recovery was effected either from his conscious possession or from any of the premises, whatsoever, wherein categorical confession to connect him falsely in the case that co-accused has purchased the said contraband from him.

4. Learned State counsel has produced the custody certificate, according to which the petitioner has undergone though a very nominal period of two months and 05 days only and the production warrants in the two other cases of NDPS Act alone could not controvert the factual aspects that the petitioner has been implicated in the case and arrested after four years of lodging of the FIR and there is no direct evidence to connect him with the offence except the disclosure statement of Jaswant and Ajay Pal, who are the main accused.

5. Learned State counsel categorically also informed the Court that both the above named accused persons have already been granted the concession of regular bail either by the Sessions Court or by this Court as is evident from orders dated 18.07.2019 (Annexure P-3) qua Subhash Kumar, dated 17.09.2019 (Annexure P-4) qua Shivraj Singh @ Pappu @ Tau, dated 31.07.2023 (Annexure P-5) qua Jaswant Singh and dated 06.03.2020 (Annexure P-6) with regard to Ajay Pal Singh.

6. In the light of the facts as have been unfolded during the course of hearing today before this Court that no recovery was effected from the conscious possession of the petitioner neither subsequently any contraband

has been recovered either from his conscious possession or from any premises despite implicating him on the basis of disclosure statements by the other co-accused persons, additionally to the effect that all the accused persons have been extended the concession of regular bail and investigation is complete, charges stands framed in the year 2019 itself, showing that the trial is moving at snail pace, which certainly will take long time. The petitioner cannot be allowed to keep behind bars for an indefinite period which will surely tantamount to violation of his right to life under Article 21 of the Constitution of India which includes not only rightful life also for speedy trial and justice.

7. Hence, without expressing any opinion on the merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed and the petitioner- Amarjeet Singh is ordered to be released on regular bail on furnishing bail bond and surety bonds to the satisfaction of concerned trial Court/ Chief Judicial Magistrate/ Duty Magistrate.

(SANDEEP MOUDGIL)
JUDGE

19.05.2023

Satyawan

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No