

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-25803-2023 (O&M)
Date of decision: 24.07.2023

BALDEV SINGH @ DEBA MISTRI

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this 2nd petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 29 dated 24.02.2021, registered under Sections 21, 22, 25, 27-A, 29, 62 of the NDPS Act, Sections 25, 27 of the Arms Act, Section 473 IPC, Section 3 of the Indian Passport Act and Section 14 of the Foreigners Act, at Police Station Lopoke, District Amritsar. The earlier bail petition was dismissed on 28.10.2022.

Status report by way of affidavit dated 24.07.2023 of the Deputy Superintendent of Police, Sub Division Attari, Amritsar Rural, submitted by the learned State counsel in the Court, is taken on record.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner was not arrested at the spot and he has been involved in the present case on the disclosure statement of co-accused Mehal Singh; that the petitioner has been in custody

since 05.03.2021; that as far as another case under the NDPS Act is concerned, in that case, he has also been indicted on the disclosure statement of the co-accused and is on bail; that co-accused have already been granted regular bail; that the prosecution witnesses are yet to be examined and that no contraband has been recovered from the petitioner or any other co-accused and that only a sum of Rs. 98 lakhs has been recovered.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner is an active member of a gang operating in the area and is involved in smuggling of *Heroin* and arms from Pakistan and that the petitioner is a habitual offender and is also involved in other cases, including one under the NDPS Act. However, he does not dispute the custody period of the petitioner and the fact that no contraband has been recovered in the present case. It is further submitted that the recovery of Rs. 98 lakhs has been effected in the present case and that the material witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 05.03.2021. The petitioner has been indicted in the present case on the disclosure statement of co-accused Mehal Singh and in another case under the NDPS Act, the petitioner has been indicted on the disclosure statement of the co-accused therein and he is on bail in that case. No contraband has been recovered in the present case. Co-accused have already been enlarged on regular bail. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take a long time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

24.07.2023
Mangal Singh

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