

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

219

CRM-M-27178-2023 (O&M)

Date of Decision: 21.07.2023

JAGTAR SINGH @ GANDA SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ranjit Singh Sidhu, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner in case bearing FIR No.267 dated 20.11.2022, registered under Sections 15, 27, 27-A, 29/61/85 of the NDPS Act, at Police Station City Sunam, District Sangrur.

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case; that as per the prosecution version, three persons were coming in a car along with the contraband; that out of the said three persons, two managed to escape and Pardeep Singh @ Deep was apprehended along with the contraband; that the petitioner was not arrested at the spot; that co-accused, namely, Bheem Singh was arrested on 21.11.2022, on whose disclosure statement, the petitioner has been indicted in the present case and that the petitioner has been in custody since 10.03.2022. He further submits that the alleged

recovery of 110 kg Poppy Husk was effected from co-accused, namely, Pardeep Singh @ Deep and that on the basis of the disclosure statement of the petitioner, one kilogram Poppy Husk was recovered from the bridge of a canal. Still further, it is submitted that as far as other two cases are concerned, the recovery effected in the said cases was 2.5 kg and 3 kg Poppy Husk, respectively and the petitioner is on bail in the said cases and that the charges are yet to be framed.

Learned counsel for the petitioner further submits that co-accused, namely, Happy Singh and Nishan Singh, have already been granted the concession of bail vide order dated 12.07.2023 passed by a Coordinate Bench of this Court.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner is a habitual offender, inasmuch as, he is facing two more FIRs under the NDPS Act. He further submits that the charges are yet to be framed and thus, the petitioner be not granted the concession of regular bail.

I have heard the learned counsel for the parties.

The petitioner was not arrested at the spot and has been indicted on the basis of the disclosure statement of the co-accused. Co-accused have already been enlarged on bail. The petitioner has been in custody since 10.03.2022. In other cases, the recovery effected was 2.5 kg and 3 kg poppy husk and he is on bail. On the basis of the disclosure statement of the petitioner, only one kg poppy husk was recovered.

Charges are yet to be framed and the prosecution evidence is to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

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

21.07.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No