

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29275 of 2022(O&M)
Date of Decision: 27.03.2023

Ateshyam

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Ramnish Puri, Advocate
For the petitioner.

Mr. C.L. Panwar, Addl. AG Punjab.

KARAMJIT SINGH, J.

CRM-13765 of 2023

This is an application for pre-ponment of main case (CRM-M-29275 of 2022) which is fixed for 04.05.2023 for hearing.

Learned State counsel has not objected to the prayer made in the application.

For the reasons mentioned in the application, the same is allowed, subject to all just exceptions and hearing of the main case is pre-poned and the same is taken on Board for hearing today itself.

CRM-9425 of 2023

For the reasons mentioned in the application, the same is allowed and accompanied Annexures P-2 and P-3 are taken on record.

CRM-M-29275 of 2022

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 46 dated 18.04.2022, registered under Sections 22 and 61 of Narcotic Drugs and Psychotropic Substances Act (for brevity, the Act) at Police Station Sadar Jagraon, District Ludhiana (Rural), to which offence under Sections 29 of the Act and Sections 420, 467 and 468 IPC were added lateron.

The allegations in brief are that FIR in the present case was registered against Parminder Singh from whom the police recovered commercial quantity of medical intoxicants on 18.04.2022 and he disclosed to the police that he procured the said contraband from co-accused Virender Singh and thereafter Virender Singh was arrested and commercial quantity of medical intoxicants were recovered from his possession. Said Virender Singh suffered disclosure statement that he procured the aforesaid medical intoxicants from the present petitioner and consequently the present petitioner was nominated as accused and arrested by the police on 28.04.2022.

The counsel for the petitioner submits that the petitioner is having no criminal history and is in custody since 28.04.2022 and during investigation no contraband was recovered from his possession and after completion of investigation the police has presented challan but the trial is not progressing ahead. The counsel for the petitioner further submits that the alleged disclosure statement made by co-accused Virender Singh against the petitioner is subject matter of trial. So, prayer is made that the petitioner be released on regular bail.

The present petition is contested by the State counsel who, on instructions from ASI Gurdeep Singh, submits that the petitioner was nominated as accused on the basis of disclosure statement made by co-accused Virender Singh who was further impleaded as accused on the basis of disclosure statement made by Parminder Singh. The State counsel further submits that the police recovered commercial quantity of medical intoxicants from aforesaid Virender Singh and Parminder Singh. However, the State counsel has not disputed that the petitioner was arrested in the present case on 28.04.2022 and during investigation no contraband was recovered from the petitioner, who is having no criminal antecedents. The State counsel further apprised the Court that after completion of investigation the police has presented the challan but till date no prosecution witness has been examined even though charges are framed.

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

In the instant case the petitioner was not named in the FIR and was nominated as accused on the basis of disclosure statement made by co-accused Virender Singh who was further arraigned as accused on the basis of disclosure statement of Parminder Singh. As per the case of the prosecution, police recovered commercial quantity of contraband from aforesaid Parminder Singh and Virender Singh. Admittedly, the petitioner, who was having no criminal antecedents, was arrested in this case on 28.04.2022 but during investigation no contraband was recovered from his possession. Further, after completion of investigation challan has been presented and now charges are framed but till date prosecution has failed to examine any witness. The relevancy and admissibility of aforesaid

disclosure made by co-accused Virender Singh against the petitioner is matter of trial. It will take considerable time for the trial to conclude. So, no purpose is going to be served by detaining the petitioner in custody for any longer period.

Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

27.03.2023
Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No