

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

CRM-M-28326 of 2023

Date of decision : 03.07.2023

Simranjit Singh Randhawa

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Sandeep Kumar, D.A.G. Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this third petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.99 dated 20.05.2021 registered under Section 20 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Division No.6, District Jalandhar, who is in custody since his arrest on 20.05.2021.

The FIR was registered on the basis of secret information and the allegations as noticed by the Id. Judge, Special Court, Jalandhar in the order dated 17.06.2022 are as under:-

“....as per the version of prosecution, when applicant/accused-Simranjit Singh alongwith his co-accused (non-applicants) was travelling in Swift Car bearing registration No. PB-08-ES-4629, it was stopped on the basis of suspicion when Varun Sharma, who was driving the car, tried to flee away from the spot. On search of the car, 900 grams of Charas contained in polythene bag under the driver seat was recovered. 700 grams of Charas contained in polythene bag was recovered from the bag lying in lap of accused-Mohit Sharma and 80 grams of Charas contained in polythene bag was recovered from the right pocket of trouser of applicant/accused.”

Learned counsel for the petitioner has argued that as per the prosecution, the petitioner was found in possession of 80 grams of Charas and his co-accused Varun Sharma was found in possession of 900 grams of Charas and 700 grams of Charas was recovered from accused Mohit Sharma. He further states that after commencement of trial only three prosecution witnesses have been examined by prosecution so far out of total eleven witnesses. He has further drawn the attention of the Court to the order dated 20.02.2023 (Annexure P-7) to contend that the co-accused has already been extended the concession of regular bail. He prays for bail.

While opposing the prayer, learned State counsel has argued that collective recovery effected from the accused person is commercial in nature, therefore, petitioner does not deserve the concession of regular bail. Further, he does not dispute the fact that co-accused of the petitioner has been released on bail. He has further produced the custody certificate dated 02.07.2023 and stated that the petitioner is not involved in any other case of similar in nature.

After hearing learned counsel for the parties and considering the above background as well as the custody of the petitioner as well as the fact that his co-accused has already been released on bail, this Court is of the opinion that further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 20.05.2021. Apart from it, the remaining prosecution witnesses are police officials and at present, there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail

subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

03.07.2023

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Whether speaking/reasoned :

Whether Reportable :

(MANOJ BAJAJ)

JUDGE

Yes

No

Yes

No