

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

232

CRM-M-31271-2023 (O&M)

Date of Decision: 17.08.2023

AZAD SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Abnash Singh, Advocate for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.70 dated 07.03.2023, registered at Police Station Dera Bassi, District SAS Nagar, under Sections 21, 61, and 29 (added later on) NDPS Act.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner was working as a food supplier with Zomato Company; that the petitioner was neither named in the FIR nor arrested at the spot; that no recovery had been effected from the petitioner; that the petitioner has been indicted in the present case on the disclosure statement of co-accused, namely, Gurjit Singh; that the petitioner has been in custody since 07.03.2023; that co-accused, namely, Virender and Ashu have since been granted the concession of regular bail by a Coordinate Bench of this Court, vide orders dated 29.05.2023 and 21.06.2023, respectively. He further submits that there is no other case registered and/or pending against the petitioner,

at least of a similar nature and that the challan is yet to be presented.

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 recovery effected in the present case, from the co-accused, is a commercial quantity and that, during investigation, it was found that there were several financial transactions between Gurjit Singh and the petitioner through Paytm application.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 07.03.2023. The petitioner was working as a food supplier with Zomato. The petitioner was neither named in the FIR nor arrested at the spot. No recovery was effected from the petitioner. Co-accused have since been enlarged on regular bail. There is no other case registered and/or pending against the petitioner, at least of a similar nature. Challan is yet to be presented 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.

17.08.2023

Aman Jain

Whether speaking/reasoned

Whether reportable

(HARNARESH SINGH GILL)

JUDGE

:

:

Yes/No

Yes/No