

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

244

CRM-M-32062 of 2023

Date of Decision:12.07.2023

Harjinder Singh @ Jinder

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vivek K. Thakur, Advocate,
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.169 dated 17.09.2021, under Sections 21 and 29 of the NDPS Act, registered at Police Station Kot Ise Khan, District Moga.

2. It is submitted by learned counsel for the petitioner that the petitioner is in custody from 10.04.2023 which is almost three months. He submitted that it is a case where the alleged FIR was lodged against two co-accused namely Baj Singh @ Baji and Gurdev Singh @ Ladi and from whom there was an alleged recovery of 350 grams of heroin. He submitted that thereafter the trial of the case pertaining to the aforesaid two co-accused had commenced and the petitioner was arrested in some other FIR No.44 dated 23.03.2023 and after he was arrested in the aforesaid

FIR which was on the basis of disclosure statement of the co-accused that the petitioner was nominated now after lapse of two years on the basis of disclosure statement of the co-accused. He submitted that after he has been arrested in the aforesaid case that he has been now nominated in the present case. He further submitted that even otherwise also the other co-accused who are the main accused in the present case namely Baj Singh @ Baji and Gurdev Singh @ Ladi have already been extended the benefit of regular bail by a co-ordinate Bench of this Court and therefore the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Rajiv Verma, learned DAG, Punjab has stated that it is correct that the name of the present petitioner was nominated on the basis of a disclosure statement of the co-accused while he was arrested in some other case. He has however opposed the grant of bail to the petitioner on the ground that there was a recovery of 350 grams of heroin from the other two co-accused although no recovery has been effected from the petitioner.

4. I have heard learned counsel for the parties.

5. It is a case where earlier the petitioner was not named in the FIR and in fact the alleged recovery in the present FIR was from the other two co-accused, namely Baj Singh @ Baji and Gurdev Singh @ Ladi who have since already been extended the benefit of regular bail as per learned counsel for the petitioner. The name of the petitioner has now been nominated after he has arrested in some other case on the basis of a disclosure statement of the co-accused. Therefore, considering the aforesaid facts and circumstances of the present case, this Court deems it fit and proper to grant the concession of regular bail to the petitioner. Consequently, the present petition is allowed. The petitioner shall be released on

regular bail, if not required in any other case, subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

6. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)
JUDGE

July 12, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No