

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

(228)

CRM-M-32375-2023

Date of Decision : July 12, 2023

Harjinder Singh @ Jinder**.. Petitioner****Versus****State of Punjab****.. Respondent****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

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

Mr. Anmol Singh Sandhu, AAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.44 dated 23.03.2023 registered under Sections 22 and 29 of the NDPS Act, 1985 at Police Station Kot Ise Khan, District Moga.

2. Learned counsel for the petitioner argues that in the present case, the petitioner was not named in the FIR and no recovery of any contraband has been effected from him and he has been roped in the present case only on the basis of the disclosure statement of co-accused Raj Kumar from whom, 310 intoxicant tablets of etizolam were recovered.

3. Learned counsel for the petitioner submits that factum that the petitioner is being harassed is clear that he was involved in the same manner in other cases also where he has already been granted anticipatory bail.

4. Learned counsel for the petitioner further submits that as the trial is likely to take some time before it concludes as out of total 15 cited witnesses, no one has been examined so far, the petitioner may kindly be extended the benefit of regular bail keeping in view the settled principle of law settled by the Hon'ble Supreme Court of India in ***Criminal Appeal No. 152 of 2013 titled as Tofan Singh Vs. State of Tamil Nadu, decided on 29.10.2020.***

5. Notice of motion.

6. Mr. Anmol Singh Sandhu, learned Assistant Advocate General, Punjab, accepts notice on behalf of the respondent-State.

7. Learned counsel for the respondent-State does not dispute the factual statement as projected by the learned counsel for the petitioner noticed hereinbefore but submits that there is a disclosure statement of the co-accused involving the petitioner in the present case.

8. I have heard learned counsel for the parties and have gone through the record with their able assistance.

9. Keeping in view the fact that no recovery of any contraband has been effected from the petitioner and the trial is likely to take some time before it concludes as none of the cited witness has been examined so far coupled with the fact that the petitioner has undertaken before this Court in case he is granted the concession of regular bail, he will not influence the trial or the witnesses in any manner, petitioner has made out a case for the grant of regular bail.

10. In case of default of the above stated undertaking by the petitioner, State will be at liberty to approach this Court for passing appropriate orders.

11. In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

9. However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

July 12, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No