

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-35013 of 2022
DATE OF DECISION:-14.02.2023

Sewa Singh

...Petitioner

VS.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

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

Mr. Tarun Aggarwal, Sr. DAG, Punjab

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of bail pending trial in case FIR No.58 dated 23.06.2021 under Sections 22 and 29 of NDPS Act, 1985, registered at Police Station Dhilwan, District Kapurthala (Annexure P-1).

Learned counsel for the petitioner submits that in the present case, petitioner was implicated on the basis of disclosure statement made by co-accused Malkiat Singh followed by recovery effected from him. Learned counsel also submits that investigation in the present case already stands concluded with filing of challan on 16.05.2022, however, the charges have not been framed so far even after the expiry of almost 10 months. Learned counsel also submits that besides, petitioner, Malkiat Singh even named one Paramjit Singh who was granted concession of anticipatory bail by this Court vide order dated 12.01.2022 passed in CRM-M-822-2022.

On the other hand, learned State counsel opposes the prayer made

herein while submitting that there are 4 more cases pending against the petitioner and out of those, 2 are under the NDPS Act, 1985. Learned State counsel also submits that in pursuance to the disclosure, even recovery has been effected from the petitioner which relates him with the offence.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

In the present case, the petitioner has been implicated on the basis of disclosure made by co-accused Malkiat Singh and the evidentiary value of the same is yet to be scrutinized by the concerned Court during trial. Even otherwise, besides petitioner, Malkiat Singh named one Paramjit Singh who has already been granted concession of anticipatory bail vide order dated 22.01.2022 passed in CRM-M-822-2022. More than that, the investigation in the present case already stands concluded with the filing of *challan* on 16.05.2022, however, the charges are yet to be framed even after the expiry of almost 10 months now. As regards the pendency of other cases against the petitioner, it may be pointed out here that from a perusal of the custody certificate produced in Court today, one can find out that in all the three cases pending against him, he is on bail. Considering the aforesaid facts, besides, the conclusion of the trial likely to take some time, petitioner deserves the concession of regular bail.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an

expression on the merits of the case.

14.02.2023.
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No