

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

CRM-M-34481-2022
Date of Decision:-**15.02.2023**

BALWINDER SINGH @ KADDU

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Kamal Narula, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

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KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.88 dated 10.5.2022 registered under Sections 25, 27-A, 29 of NDPS Act at Police Station Bagha Purana, District Moga.

The brief facts of the case are that FIR was registered against co-accused Veerpal Kaur as the police received information that there is viral recording of audio call made by the Veerpal Kaur to some other person, in which she openly proclaimed that she is providing drugs to the drug-addicts and no one can stop her from doing so. After the registration of the FIR, the

co-accused Veerpal Kaur was arrested in this case on 11.5.2022. However, during investigation she disclosed that the present petitioner supplies drugs to different drug addicts, who visit her house. The petitioner was then arrested on 16.5.2022.

The counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case on the basis of disclosure statement made by co-accused Veerpal Kaur and the relevance and veracity of the same will be tested during trial. The counsel further submits that during investigation, thought the petitioner was arrested on 16.5.2022 but no contraband or incriminating article was recovered from his possession and the petitioner is having no criminal history under NDPS Act. The counsel for the petitioner further submits that after conclusion of investigation, police has presented the challan. So no purpose is going to be served by detaining the petitioner behind the bars for any longer period.

The present petition is resisted by the State counsel, who on instructions from ASI Kuldeep Raj submits that there are allegations that the petitioner used to supply drugs to the drug addicts who used to get the same from the house of co-accused Veerpal Kaur. However, the State counsel has not disputed the fact that the petitioner is in custody since 16.5.2022 as he was nominated as accused on the basis of disclosure made by co-accused Veerpal Kaur. The State counsel further apprised the Court that after completion of the investigation, challan has been presented and after framing of charges, now trial has commenced and further that the petitioner is not involved in any other case under NDPS Act.

I have considered the submissions made by counsel for the parties.

Admittedly the petitioner was not named in the FIR and his name surfaced in the alleged disclosure made by co-accused Veerpal Kaur and then arrested on 16.5.2022. However, no contraband or incriminating article was recovered from the possession of the petitioner, who is not involved in any other case of drug trafficking.

Admittedly now the trial has commenced but no PW has been examined. It will take substantial time for the trial to conclude. In view of the above, no purpose is going to be served by keeping the accused behind the bars for any longer period.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

15.02.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No