

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

271

**CRM-M-39392-2023
Date of Decision: 06.11.2023**

HARPREET SINGH

... Petitioner

VERSUS

STATE OF PUNJAB

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

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

Mr. Teever Sharma, AAG, Punjab assisted by
HC Amar Chand, 1469.

VINOD S. BHARDWAJ, J. (ORAL)

This is second petition for seeking regular bail to the petitioner in Case FIR No.255, dated 13.06.2021 under Sections 22 (C) and 29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Patran, District Patiala.

As per the prosecution version, on 13.06.2021, Police of Police Station Patran, Patiala, near Toll Tax Village Paind, within the jurisdiction of Police Station Patran apprehended the petitioner with 5900 intoxicant tablets make Tramadol Hydrochloride 100 MG. Celcidal-100 SR and total 53 intoxicant bottles make Chlorpheniramine maleat & codeine Phosphate Syrup WELCYREX, which were being carried by him on a motorcycle bearing Registration No PB07-AW-3927 make CT-100 Bajaj. On the basis of the above, FIR was registered against the petitioner. It is argued by the learned counsel for the petitioner that the petitioner is innocent and has been falsely

implicated in this case. *Prima-facie* no case whatsoever is made out against the petitioner. The petitioner was falsely apprehended even prior to the lodging of FIR and later on he was falsely implicated in the present case on 13.06.2021 and a false recovery was planted upon the petitioner. No disclosure statement was made by the present petitioner against anyone including Harpal Singh and Amandeep Singh and a false story of the disclosure has been introduced by the Investigating Agency just to prove their false case. The petitioner has been in custody since 13.06.2021 and no purpose would be served by keeping the petitioner behind the bars as the investigation has already been completed and the challan already stands presented. The conclusion of trial will take a long time. The petitioner undertakes to abide by all the conditions imposed by the Court. Learned counsel for the petitioner further contends that the petitioner has no criminal antecedents and that only four witness out of 22 cited witnesses have been examined.

Learned State Counsel, on the other hand, contends that commercial quantity of the contraband has been recovered from the conscious possession of the petitioner and that concession of regular bail ought not to be extended to the petitioner. He, however, does not dispute the fact that the petitioner is in custody since 13.06.2021 and has undergone a total custody of two and half years and that only four witnesses out of 22 have been examined so far. He is further not in a position to controvert that the petitioner does not have any other criminal antecedents.

I have heard the learned counsel for the respective parties and have also gone through the documents appended alongwith the present petition with their able assistance.

Taking into consideration the fact that the petitioner has no criminal antecedents coupled with the stage of trial as well as the period of custody undergone by the petitioner, I deem it appropriate to allow the present petition.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing adequate bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

Petition stands allowed accordingly.

NOVEMBER 06, 2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No