

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(214)

CRM-M-42405-2022
Date of decision:- 08.08.2023

Jaskaran Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Gurmeet Kaur, Advocate for
Mr. Tanvir Singh Grewal, Advocate
for the petitioner.

Mr. A.P.S.Tung, DAG, Punjab.
for State-respondent.

SUVIR SEHGAL, J. (ORAL)

1. This is the fourth petition filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
59	16.05.2018	Chohla Saheb, District Tarn Taran	21 and 29 of the NDPS Act

2. Case of the prosecution is that two persons, who were found to be moving about in suspicious circumstances, tried to flee when they saw a police vehicle. Gurjant Singh was apprehended and recovery of 520 grams of heroin was made from him. The other accused got into a parked car and sped away.

3. Counsel for the petitioner submits that the petitioner has been falsely implicated. She submits that the petitioner has been embroiled in the

matter on the basis of disclosure statement of Gurjant Singh, wherein he stated that the petitioner was carrying 500 grams of heroin. She submits that the petitioner was arrested on 27.11.2019 in FIR No. 121 dated 10.11.2019 lodged for offence under Section 21 of the NDPS Act, Section 379, IPC and Section 25 of the Arms Act at Police Station Bhikhiwind, District Tarn Taran and recovery of 20 grams of heroin was effected from him. Counsel submits that the petitioner is being implicated as he is a soft target. She asserts that the petitioner, who is in custody since November, 2019, deserves to be enlarged on bail as no recovery has been effected from him in the present case and despite repeated adjournments, prosecution has failed to lead any evidence before the Trial Court.

4. *Per contra*, State counsel, upon instructions from ASI, Gurdas Singh, has opposed the petition by highlighting the criminal past of the petitioner. He asserts that despite issuance of process, petitioner evaded arrest and was declared a proclaimed offender on 01.07.2019 and it subsequently transpired that he was in custody in another criminal case. As per his instructions, none of the seven prosecution witnesses has been examined.

5. I have heard counsel for the parties and considered their respective submissions.

6. As to whether the statement of a co-accused recorded while in custody can be relied by the prosecution to arraign the petitioner as an accused, would be a matter of debate before the Trial Court. Petitioner, who is in detention for the last more than forty four months with a remote possibility of an early conclusion of the trial, deserves to be enlarged on bail.

7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.
8. While being released on bail, petitioner shall furnish an undertaking by way of an affidavit that henceforth he would not get involved in any unlawful activity. In case, petitioner violates the undertaking, liberty is granted to the State to seek cancellation of the bail.
9. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

08.08.2023
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No