

CRM-M-47603-2022 -1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

(220-1)

CRM-M-47603-2022  
Date of decision:- 03.11.2023

Satpal Singh @ Satta ... Petitioner  
Versus  
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. J.S.Brar, Advocate  
for the petitioner.

Mr. Anup Singh, DAG, Punjab  
for State-respondent.

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SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

| FIR No. | Dated      | Police Station                  | Sections                        |
|---------|------------|---------------------------------|---------------------------------|
| 27      | 29.04.2022 | City-2 Abohar, District Fazilka | 18, 27-B and 29 of the NDPS Act |

2. Version of the prosecution is that FIR, Annexure P-1, has been registered on the basis of secret information that Sat Narain and Manohar Lal bring opium in heavy quantity from Madhya Pradesh and sell it in the State of Punjab with the help of Mehal Singh. FIR was registered. Sat Narain, Manohar Lal and Mehal Singh were apprehended and recovery of 3 kg 500 grams of opium and drug money of Rs.1.50 lacs was effected from a Brezza car. Recovery of mobile phones, keypad and petty cash was also made from the person of the three accused.

3. Counsel for the petitioner submits that no recovery has been effected from the petitioner, who has been arraigned as an accused on the basis of disclosure statement of co-accused on the allegation that 1 kg of recovered opium was to be delivered to him. Counsel submits that although petitioner is named as an accused in another FIR registered against him under the NDPS Act, but he was made an accused on the basis of disclosure statement and is on regular bail. Counsel submits that the petitioner, who is in custody since 09.08.2022, deserves to be enlarged on bail.

4. State counsel has filed additional affidavit of Deputy Superintendent of Police, Sub Division, Abohar, District Fazilka, which is taken on record and submits that co-accused, Mehal Singh, has been found to be the owner of the vehicle. He could not dispute that no recovery has been effected from the petitioner. As per his instructions, investigation is complete, challan has been presented and although charge was framed on 09.12.2022, but no prosecution witness has been examined.

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

6. Undisputedly, there is no recovery from the petitioner. Petitioner is an accused in another criminal case for offence under NDPS Act on the basis of a confessional statement of co-accused. Petitioner is languishing in custody for the last more than fourteen months and the trial is at a nascent stage. This Court, therefore, has no hesitation in acceding to the prayer made in the petition.

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. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)  
JUDGE

03.11.2023  
*Kamal*

|                           |        |
|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |