

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

208

CRM-M-48439-2022 (O&M)
Date of decision: 01.08.2023

KULDEEP SINGH @ DEEP

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Amardeep Singh, Advocate and
Ms. Manpreet Kaur, Advocate for the petitioner.

Mr. Hakam Singh, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.70 dated 10.06.2022, registered under Section 21 and later on added Section 29 of the NDPS Act, at Police Station Zira, District Ferozepur.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case on the disclosure statement of co-accused, namely, Hardip Singh and Palwinder Singh, who were travelling in a Car and the alleged recovery of 300 grams of Heroin was effected from the gear box; that the petitioner was neither name in the FIR, nor he was arrested from the spot; that in another case FIR No.32 dated 23.01.2022 registered under Sections 21, 29 of the NDPS Act, the recovery of 20 grams of *Heroin* was shown to be effected from him and he is on bail in that case and that the petitioner has been in custody since 23.08.2022.

In support of his case, learned counsel for the petitioner relies

upon the order dated 17.05.2023 passed by the Hon'ble Supreme Court in SLP(Crl) No. 1266/2023 titled as 'Vijay Singh Vs. The State of Haryana, wherein the petitioner was facing another case under the NDPS Act and has been granted anticipatory bail.

Learned State counsel, while vehemently opposing the prayer for bail, submits the petitioner was specifically named by the co-accused, from whom the recovery has already been effected. The petitioner is a habitual offender and facing another case under the NDPS Act. However, he does not dispute the custody period of the petitioner. He submits that out of 12 prosecution witnesses, two have been examined and some material witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The Hon'ble Supreme Court in Vijay Singh's case (supra) has held as under:-

“The petitioner is alleged to have committed offences under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985(hereinafter called the 'NDPS Act). His application for anticipatory bail was rejected by the High Court. The allegations in the FIR are that 1.7 Kg of Poppy Straw (Doda Post) was recovered from the co-accused. The petitioner concededly was not present at the spot but was named by the co-accused. That apart there is no other material to implicate the petitioner. The prosecution urges that another case with allegations of commission of offence under NDPS Act are pending against the petitioner. It is not denied that in those proceedings he was granted bail.

Having regard to these circumstances, the petitioner is directed to the enlarged on anticipatory bail, subject to such terms and conditions as the trial Court may impose.”

The petitioner has been in custody since 23.08.2022. The petitioner was indicted on the disclosure statement of the co-accused and in another case under the NDPS Act, he is on bail. Remaining 10 prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

01.08.2023
Mangal Singh

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