

CRM-M-47751-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 07.11.2023

AJMER SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Rajiv Kumar Saini, Advocate,
for the petitioner.

Mr. G.S.Sandhu, DAG, Punjab.

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.18 dated 05.07.2022, registered under Sections 18, 25 and 29 NDPS Act, at Police Station State Special Operation Cell, Amritsar.

2. It is submitted by the counsel for the petitioner that the case against the petitioner is totally concocted and fabricated. The petitioner is not involved in the crime at all. Even as per the case of the prosecution, the alleged recovery from the petitioner is of 20 kg. opium. However, the said recovery is totally fabricated. The petitioner is in custody since 05.07.2022. The investigation of the case is already over. The petitioner is not required for any investigation purposes. None of the prosecution witnesses has been examined so far. There is no other case registered against the petitioner. Hence, the petitioner deserves to be released on bail

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pending trial. Learned counsel for the petitioner has relied upon the judgments rendered by the Hon'ble Supreme Court in the cases of *Nitish Adhikary @ Bapan Vs. The State of West Bengal* vide order dated 01.08.2022 passed in *SLP (Criminal) No.5769-2022*; *Mohd. Muslim @ Hussain Vs. State (NCT of Delhi), 2023 AIR (Supreme Court) 1648* and another judgment rendered in *Md. Hasanuzzaman Vs. State of West Bengal & Ors, SLP (Crl.) No.3221 of 2023* vide order dated 04.05.2023, to buttress his arguments.

3. On the other hand, learned State Counsel, on instructions from ASI Hardeep Singh, submits that a huge recovery of contraband has been effected from the petitioner. Therefore, the petitioner does not deserve the concession of bail. However, it is not disputed that no prosecution witness has been examined till date. It is also not disputed that there is no other case against the petitioner and that the petitioner is in custody since 05.07.2022.

4. In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

07.11.2023
parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

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