

226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49977-2023

Date of Decision: 13.12.2023

Satnam Singh alias Sattu

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Rajeev Sharma, Advocate
for the petitioner.

Mr. Mohinder Singh Joshi, Additional Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.115 dated 05.09.2022 registered under Sections 22, 61, 85 of NDPS Act (Section 29 of NDPS Act added later on), at Police Station Meharban, Ludhiana, Punjab.

2. As per case of the prosecution, a person Bhag Singh son of Sharm Singh was arrested by the police, while he was carrying 1360 intoxicant tablets without any permit or licence. During the course of investigation, he suffered a statement and named the petitioner as a person, who had allegedly supplied the contraband to him.

3. Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 07.03.2023 and is in custody for the last more than 09 months. He further contends that in the present case, challan has already been presented, but charge has yet not been framed against him. Thus, the trial Court may take a considerable time in concluding the trial proceedings.

Apart from that, the petitioner was never involved in any other criminal activity.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the recovery of contraband from co-accused Bhag Singh was commercial in nature and the petitioner is not entitled to concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. The petitioner was not named in the FIR and has been nominated as an accused on the basis of the disclosure statement suffered by co-accused Bhag Singh. The petitioner is in custody since 07.03.2023 and his further detention in jail will not serve any useful purpose.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

13.12.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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