

S. No.226

2023:PHHC:160402

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-52169 of 2023

Date of Decision:14.12.2023

Kaptan Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Tarundeep Kumar, Advocate for the petitioner.

Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J. (Oral)

Status report by way of affidavit of Shri Dalbir Singh, PPS, Deputy Superintendent of Police, Headquarters Patiala having additional charge of Circle Ghanaur, District Patiala (Punjab) has been filed on behalf of the respondent-State.

By way of present petitioner filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail in case FIR No.69 dated 22.05.2023 registered under Sections 18 and 29 (Act No.61 of 1985) of the Narcotic Drugs and Psychotropic Substances Act (for short, 'the NDPS Act').

As per allegations, 1 Kg opium was recovered from the possession of co-accused Gurjot Singh @ Jot, who in his disclosure statement stated that he used to bring the opium, on the asking of petitioner – Kaptan Singh from one Bihari Babu Ram Mothihari. Earlier also, he had brought opium thrice at instance of petitioner.

Learned counsel for the petitioner contends that main accused Gurjot Singh @ Jot, from whom recovery was allegedly effected has already been allowed bail vide order dated 27.07.2023 passed by learned Judge, Special Court,

Patiala (Annexure P.2). Learned counsel further contends that recovered quantity of contraband falls in the non-commercial category and that the petitioner has been falsely nominated.

Learned State Counsel could not refute the afore-said contentions to the effect that except for the disclosure statement of the co-accused Gurjot Singh @ Jot, there is no other incriminating material against the petitioner. However, learned State Counsel has opposed the bail petition by pointing out towards the criminal antecedents of the petitioner, who is involved in as many as 15 other cases, most of which pertain to the NDPS Act.

Heard.

No doubt, petitioner has bad criminal antecedents, but at the same time, Court cannot ignore the fact that the only material against the petitioner is the disclosure statement of the co-accused and that no recovery has been effected from the petitioner.

Having regard to the afore-said facts and circumstances, but without commenting anything on the merits of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

December 14, 2023
renu

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No