

CRM-M-51260-2023 (O& M)
(227)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-51260-2023 (O & M)
Date of decision: 12.12.2023

Amritpal Singh

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Amit Arora, Advocate,
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in case FIR No.0045 dated 10.06.2023 under Sections 21(b), 29 of the NDPS Act, 1985 and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Khem Karan, District Tarn Taran.

2. The present petitioner came to be apprehended with 200 grams of heroin, one Italian made pistol and Rs.1,75,000/- stated to be proceeds obtained from selling drugs. On his arrest, he disclosed that the persons who had fled away from the spot were Jagdeep Singh son of Dilbag Singh, Daljit Singh son of Pargat Singh and Sikander Singh son of Daljinder Singh.

3. The learned counsel for the petitioner contends that the petitioner had been falsely implicated in the present case. The alleged recovery from the petitioner false under the non-commercial category.

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There are violations of mandatory provisions of the Act regarding search and seizure such as Sections 42 and 50 of the NDPS Act. As the petitioner was in custody since 10.06.2023, none of the 11 prosecution witnesses had been examined so far and he was a first-time offender, he was entitled to the concession of bail.

4. The learned counsel for the State has filed a short reply by way of an affidavit of Preetinder, PPS, Deputy Superintendent of Police, Sub Division Bhikhiwind, CAMP at Bhikhiwind, District Tarn Taran, dated 11.12.2023 in the Court today, which is taken on record. By referring to the affidavit, she contends that the allegations against the petitioner were serious in nature. The recovery of a fire-arm alongwith a cash amount of Rs.1,75,000/- had been effected from the petitioner. This clearly established that the petitioner was a notorious criminal indulging in drug trafficking. She, however, concedes that the petitioner was a first-time offender, in custody since 10.06.2023 and none of the 11 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner shall be adjudicated upon during the course of the Trial. Admittedly, the recovery effected from the petitioner is of non-commercial quantity of contraband and the rigors of Section 37 of the NDPS Act shall not be applicable. Further, the petitioner is in custody since 10.06.2023 and none of the 11 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required, moreso, as he has clean

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7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Amritpal Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other case/crime other than the case(s) referred to in this order.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

December 12, 2023
sukhpreet

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