

2023:PHHC:134906

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(221)

CRM-M-51776-2023

Date of decision:- 17.10.2023

Yugpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. N.S. Gill, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

AVNEESH JHINGAN, J. (Oral)

1. This petition under Section 439 Cr.P.C is filed seeking regular bail in FIR No.69 dated 07.07.2022, under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Rahon, District SBS Nagar.
2. Learned counsel for the petitioner claims parity with the co-accused Sagar who was granted bail by this Court vide order dated 05.07.2023 in CRM-M-29624-2023, which is reproduced as under:-

“Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.0069 dated 07.07.2022 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Rahon, District SBS Nagar, who is in custody since his arrest on 10.02.2023.

As per the allegations in the FIR, on 07.07.2022 at about 7.05 P.M. when the Police party reached the main highway nearby turn over of village Hussainpur, a boy was seen coming on motorcycle from the side of link road village Hussainpur, who on seeing the police party immediately stopped the vehicle and taken down the plastic envelope from the right side handle of motorcycle and threw the envelope on the grass and tried to flee. He was apprehended and on inquiry he disclosed his name as Jaskaran Singh alias Shah. On checking, 11 injections of 2/2 ML without label and of Avil 11 injections of 10ML without any label were recovered from the plastic bag. On these allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated on the basis of disclosure statement made by accused Jaskaran Singh alias Shah and the said piece of evidence is comparatively weak in nature. He submits that not only the investigation of the case is over, but even other co-accused from whom the recovery was effected has already been released on

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regular bail. He prays for bail.

On the other hand, learned State counsel assisted by SI Nand Lal opposes the prayer on the ground that the petitioner is involved in one more case of similar nature and in this regard he has produced the custody certificate. However, learned State counsel states that in the said case, the petitioner is on bail. He further submits that the final report stands filed on 15.05.2023, however, charges are yet to be framed.

After hearing learned counsel for the petitioner, considering the above background, custody of the petitioner and the fact that the trial is yet to commence, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, therefore, further detention of the petitioner may not serve any useful purpose. Apart from it, the material witnesses are police officials and at present there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. The petition is allowed.”

3. Reply filed, taken on record. Learned State Counsel on instructions from ASI Raj Kumar opposes the prayer for grant of bail, but is not in a position to distinguish the case of the petitioner qua the co-accused so far as grant of bail is concerned.

4. Without commenting upon the merits of the case, on the basis of parity of petitioner vis-a-vis co-accused so far grant bail concerned and considering that the conclusion of investigation and trial is likely to take time, petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

5. The petition is allowed.

(AVNEESH JHINGAN)
JUDGE

October 17th, 2023

spn

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No