

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

221-A

CRM-M-54246-2022

Date of decision : 16.02.2023

Simarpreet Singh @ Simar

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Ms. G.K. Maan, Senior Advocate with
Ms. Simrat Kaur, Advocate for the petitioner.

Mr. Jaspal Singh Guru, Asstt. A.G., Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.129 dated 20.06.2022 registered under Sections 22, 25, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Special Task Force, District SAS Nagar (Mohali).

Custody certificate dated 15.02.2023 has been filed by learned State counsel in the Court today which is taken on record.

Brief facts of the case are that on 26.06.2022, police party headed by ASI Surinder Singh received a secret information that one Balwinder Singh, who used to supply intoxicant tablets in the area of Amritsar City, is coming to supply the intoxicant tablets to his customer at Gali No.7, Shehnai Palace, Majitha Road, Amritsar. On the basis of said information, the police conducted nakabandi and apprehended

accused-Balwinder Singh @ Kala. On conducting search in accordance with law, 15000 intoxicant tablets in 25 boxes were recovered from him.

Learned counsel for the petitioner has submitted that the petitioner was not apprehended on the spot and nothing has been recovered from him. The petitioner has been falsely implicated in the case on the basis of disclosure statement made by co-accused Gurmukh Singh which is a very weak type of evidence. The petitioner has nothing to do with the alleged recovery of contraband effected from co-accused Balwinder Singh @ Kala. The petitioner is not involved in any other case under the NDPS Act. The petitioner is in custody since 08.08.2022. Challan has been presented and charges are yet to be framed. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand learned State counsel has opposed the present petition in terms of status report dated 10.01.2023 filed by the State and submits that a huge quantity of contraband was recovered from co-accused Balwinder Singh @ Kala. The petitioner and his co-accused are running a nexus who supplied intoxicant contraband in the State. However, learned State counsel has conceded the fact that the petitioner is not involved in any other case under the NDPS Act.

I have heard learned counsel for the parties and gone through the paper-book.

Keeping in view the facts and circumstances of the case,

custody period of the petitioner, the facts that the petitioner is not apprehended on the spot, nothing has been recovered from him and he is not involved in any other case under the NDPS Act and also the fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and the petitioner-Simarpreet Singh @ Simar is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

However, State will be at liberty to file application for cancellation of petitioner's bail, if he is found involved in any other case under the NDPS Act during the period of bail.

16.02.2023

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(ASHOK KUMAR VERMA)
JUDGE

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