

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

226

CRM-M-57254-2022

Date of Decision: 13th April, 2023

Tarsem Singh @ Pamma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Talwinder Singh, Advocate for the petitioner.
Mr. Iqbal Singh Mann, Deputy Advocate General, Punjab.

AVNEESH JHINGAN , J.(Oral)

1. This second petition under Section 439 of the Code of Criminal Procedure is filed seeking regular bail in FIR No.169 dated 15.12.2021 under Section 15(C) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act') (Section 29 of the Act added later on) registered at Police Station Khuian Sarwar, District Fazilka.

2. Earlier petition was dismissed as withdrawn on 16.8.2022.

3. Reply filed by learned State Counsel is taken on record. Copy supplied to the learned counsel for the petitioner.

4. Brief facts are that one Vikram Singh was apprehended by the police on 14.12.2021 and from the Truck-tralla bearing Registration No. RJ-07-GB-0222, 100 Kgs Poppy husk was recovered. The name of the petitioner surfaced in disclosure of the co-accused as a person to whom recovered contraband was to be supplied. The petitioner was arrested on 17.12.2021.

5. Learned counsel for the petitioner submits that it is a case of false implication due to involvement of the petitioner in earlier cases under the Act, no recovery was made from the petitioner, the petitioner is in

custody since 17.12.2021 and there is no progress in the trial. He relies upon the decision of the Supreme Court in *SLP (Crl.) No. 6690 of 2022-Dheeraj Kumar Shukla vs. The State of Uttar Pradesh*, decided on 25.1.2023 and *SLP (Crl.) No. 915 of 2023-Mohd. Muslim @ Hussain vs. State (NCT of Delhi)* decided on 28.3.2023

6. Learned State Counsel opposes the prayer for grant of bail and submits that the petitioner was specifically named by the co-accused. The contention is petitioner was involved in four cases under the Act, though he was acquitted in three cases. He fairly submits that only charges have been framed and no prosecution witness has been examined.

7. Without commenting on the merits of the case, having conspectus of the fact, further that no recovery was made from the petitioner, conclusion of trial is likely to take time, no useful purpose would be served by depriving the petitioner from his personal liberty and the Supreme Court in *Dheeraj Kumar Shukla's case* (supra) and *Mohd. Muslim @ Hussain's case* (supra) granted bail in similar circumstances, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

8. The petition is allowed.

9. Since the main case has been decided, the pending application(s), if any is rendered infructuous.

10. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

13th April, 2023

anuradha

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No