

CRM-M-55548-2022

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-55548-2022****Decided on:-22.03.2023**

Davinder Singh

....Petitioner..

vs.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Nirmaljeet Singh Sidhu, Advocate for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA J.

By way of present petition filed under Section 439 Cr.P.C., the petitioner prays for grant of regular bail in case FIR No.58 dated 01.05.2022, under Sections 22(c), 29, 61, 85 of NDPS Act, 1985 and Sections 25/54/59 of the Arms Act, 1959, registered at Police Station Raman, District Bathinda, during the pendency of trial.

Learned counsel for the petitioner submits that the petitioner was implicated only on the basis of disclosure statements made by Lachhman Singh @ Kaka and Abhishek Kumar @ Twinkle, who were apprehended at the spot in the present FIR with the allegations of alleged recovery. No recovery has been effected from the petitioner.

Learned counsel further submits that petitioner is behind the bars for the last 10 months and 21 days now. He also submits that the investigation in the present case already stands concluded with the filing of challan, followed by framing of charges, however, only 01 prosecution witness out of the total of 22 as cited by the prosecution has been examined so far and thus, prays for grant of concession of regular bail.

On the other hand, prayer made in the present petition has been opposed at the instance of learned State counsel while submitting that 03 cases under the provisions of IPC and 1 under the provisions of NDPS Act were registered against the petitioner, however, in NDPS case, he is on bail as recovery was of non-commercial quantity.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

Considering the fact that the petitioner having been implicated only on the basis of disclosure statements made by Lachhman Singh @ Kaka and Abhishek Kumar @ Twinkle, from whom the alleged recovery has been effected; veracity and evidentiary value of the disclosure is still to be adjudicated upon during trial and that investigation already stands concluded, charges framed, besides it, out of 22 witnesses cited by the prosecution only 01 has been examined and also the fact that the petitioner is in custody for the last 10 months and 21 days now and that no recovery has been effected from the petitioner, there does not appear to be any justification to keep the petitioner behind the bars.

In view of the above, without commenting anything on the merits, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

22.03.2023

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(HARKESH MANUJA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No