

221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53573-2023

Date of Decision:03.11.2023

Resham Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Ritesh Pandey, Advocate, for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.19 dated 03.03.2023 registered under Sections 22, 29, 61, 85 of NDPS Act, at Police Station Moonak, District Sangrur.

2. As per the case set up by the prosecution, a police party headed by the complainant ASI Gurmeet Singh received a secret information that Resham Singh son of Ajmer Singh was indulging in sale of narcotic substance and had employed Sandeep Singh alias Sipa son of Amarjit Singh. On that day, Sandeep Singh alias Sipa was to deliver the commercial quantity of tablets to Pawan Kumar Sharma and if a Naka was set up, Sandeep Singh alias Sipa could be apprehended. On this, the police had set up the barricade and 2500 tramadol tablets were recovered alongwith other 15600 intoxicant tablets. During the course of investigation, the petitioner was also arrested in the present case on 21.06.2023. Learned counsel for the petitioner contends that

even though the petitioner was named in the FIR, but no recovery was effected from him. He was arrested in the present case without any incriminating evidence and there is no other evidence against him, except the disclosure statement suffered by Sandeep Singh alias Sipa, co-accused. He further contends that the petitioner had no concern with the alleged recovery, made from Sandeep Singh alias Sipa, co-accused. He next contends that challan in the present case has already been presented and the trial of the case may take quite a considerable long time.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the recovery from the co-accused was commercial in nature and the petitioner is not entitled to grant of bail.

5. I have heard learned counsel for the parties and perused the record.

6. It is not in dispute that no recovery was effected from the present petitioner and he is in custody since 21.06.2023. The challan has already been presented by the police and his further incarceration will serve no meaningful purpose. Even there is no material on record to indicate that the petitioner may influence the witnesses of the prosecution or may flee from the process of justice.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

03.11.2023
hemlata

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