

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

238

CRM-M-56472-2022

Date of Decision: 09.01.2023

Bunty

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. J.S. Dhaliwal, Advocate for the petitioner.

Mr. G.S. Sandhu, Deputy Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 06.01.2023 filed in Court today is taken on record.

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. 167 dated 09.07.2022 registered under Sections 15, 21 and 22 of the NDPS Act at Police Station City Muktsar, District Sri Muktsar Sahib, Punjab.

Brief facts of the case are that the above-said FIR has been registered on the basis of secret information received against the co-accused persons that they are smugglers and if raid be conducted, then poppy husk, heroin and intoxicant tablets in huge quantity can be recovered. Treating the information reliable, Ruqa was sent and FIR was registered against accused persons. During investigation, petitioner was

arrested and from his possession 100 tablets of Clobedol-100 SR were recovered, which he was carrying without any permit or license.

Learned counsel for the petitioner contends that the petitioner is innocent. He has been falsely implicated in this case on the basis of disclosure statement suffered by his co-accused which is a very weak type of evidence. The petitioner is in custody since 09.07.2022. He is not involved in any other case. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Co-accused of the petitioner, namely; Sukhdev Singh @ Sukha, Charanjeet Kaur @ Kochi, Amarjit Kaur and Kuldeep Singh, have already been granted regular bail by this Court vide orders dated 01.09.2022, 02.09.2022 and 28.09.2022 (Annexures P-3 to P-6, respectively). Therefore, the petitioner may be released on regular bail.

On the contrary, learned State counsel opposed the present petition for grant of regular bail to the petitioner.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case, the fact that petitioner is not involved in any other case, parity with co-accused, namely, Sukhdev Singh @ Sukha, Charanjeet Kaur @ Kochi, Amarjit Kaur and Kuldeep Singh, who have already been granted regular bail by this Court vide orders dated 01.09.2022, 02.09.2022 and 28.09.2022 (Annexures P-3 to P-6, respectively) and also the fact that conclusion of trial may take a long time but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Bunty is ordered to be released on regular bail on his furnishing bail bond with one surety of heavy amount to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

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

January 09, 2023
rishu

(ASHOK KUMAR VERMA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>