

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

(Sr. No. 256)

CRM-M No. 59994 of 2022

Date of decision : 17.04.2023

Sony Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. K. S. Brar, Advocate for the petitioner.

Mr. A.P.S. Tung, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No. 68 dated 06.08.2022 registered under Sections 15(c)/29/61/85 of the NDPS Act at Police Station Phool, District Bathinda.

Briefly stated, the case of the prosecution is that the police party saw a person coming out of his house carrying a black colour plastic bag on his head; on seeing the police party such person got confused and reentered his house; the police party became suspicious and apprehended him; the apprehended person disclosed his name as Mithu Singh; after following due procedure his house was searched resulting in the recovery of 10 plastic bags containing poppy husk weighing 20 kilograms each; on his arrest Mithu Singh confessed that these bags had been delivered to him by

Sandhura Singh; Sandhura Singh was arrested and his interrogation revealed that he got 15 bags of poppy husk from Madhya Pradesh out of which he had given 10 bags to Mithu Singh and 05 bags to the petitioner and on that basis the petitioner was also nominated as an accused as also arrested.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case only because he is related to Sandhura Singh who has allegedly confessed to be dealing in transportation of drugs; the petitioner has no other criminal antecedents; no recovery of any drug/narcotic substance has been made from the petitioner; the only evidence collected by the State is an alleged disclosure statement of a co-accused in police custody which has no evidentiary value; there is no other evidence with the State to connect the petitioner with the crime he is accused of; the petitioner is in custody since 08.08.2022 and that since till date no prosecution witness has been examined in the petitioner's trial, the same will take a long time to conclude.

Learned State counsel admits to the period of incarceration of the petitioner as also the fact that the petitioner has no other criminal antecedents and that no prosecution witness has been examined in the petitioner's trial but opposes grant of bail to him on the ground that if released on bail he may indulge in similar offences as also flee from justice.

Learned counsel for the parties have been heard at length and with their able assistance the records of the case have also been perused.

The petitioner is in custody since 08.08.2022; he has no other criminal antecedents; the only evidence with the State to implicate the

petitioner is an alleged disclosure statement of a co-accused in police custody and that since till date no prosecution evidence has been led the petitioner's trial is likely to take time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Bathinda, the petitioner is directed to be released on bail.

It is further directed that while on bail the petitioner shall own and possess a smart mobile phone which shall be kept on at all times; the phone shall always be with the petitioner; he shall share the number of the phone as also his location with the SHO of the area where the petitioner normally resides; he shall mark his attendance on 1st of each month in the police station and that he shall also not leave the jurisdiction of the concerned police station without the prior permission of the SHO of such police station.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

17.04.2023.*sunil yadav***(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No