

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

203

CRM-M-58140-2022 (O&M)

Date of Decision: 17.02.2023

MAKHAN SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Rajinder Singh Bhatta, Advocate for the petitioner.

Ms. Anju Sharma Kaushik, DAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.113 dated 09.09.2019, registered under Sections 21, 29, 61 and 85 of the NDPS Act, At Police Station Basti Bawa Khel, District Jalandhar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner was not named in the FIR; that the petitioner along with co-accused, namely, Charanjit Singh, was indicted on the basis of the disclosure statement of co-accused, namely, Karamveer Singh; that the alleged recovery of one kilogram Heroin was effected from the co-accused and that too from the field, which does not belong to the petitioner and that co-accused, namely, Charanjit Singh and Karnbir Singh @ Karambir Singh, have already been enlarged on bail. He further submits that there is no other case registered and/or pending against the petitioner and that the petitioner has been in custody since 10.09.2019.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. She, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, 30 live cartridges, one pistol and Rs.6,50,000/- drug money were recovered from his house. She further submits that out of 25 prosecution witnesses, none has been examined, so far and that the huge recovery was effected in the present case.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 10.09.2019. The petitioner was indicted on the basis of disclosure statement of co-accused. There is no other case registered and/or pending against the petitioner. Co-accused have already been enlarged on bail. Recovery had already been effected from the field, which belongs to the co-accused. Prosecution evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

17.02.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned

: *Yes/No*

Whether reportable

: *Yes/No*