

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55758-2023

Date of Decision:08.12.2023

Ajaib Singh @ Jaiba

...Petitioner

vs.

State of Punjab

...Respondents

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

Present : Mr. Harkirat Singh Bhogal, Advocate
for the petitioner.

Mr. M.S Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No.122 dated 29.12.2022, under Section 21,29 and 31 of NDPS Act, Police Station Sadar Nawanshahar, District SBS Nagar Annexure P-1.

2. As per the case of the prosecution, the police had arrested Satinder Kumar @ Sonu and Prince, on the basis of a secret information and 1 kg of heroin was recovered from him.

3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and has been arrayed as an accused on the basis of the disclosure statement suffered by Pardeep Kumar @ Kaku. He further contends that the co-accused Pardeep Kumar @ Kaku has already been granted the concession of bail vide order dated 09.11.2023 in CRM-M-48325-2023. He further contends that no recovery was effected from the

present petitioner.

4. On the other hand learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that one more case under NDPS Act was registered against the present petitioner and 07 other cases under various provisions of IPC have been registered against the present petitioner, however, as per the record, the petitioner has undergone his sentence in the NDPS Act. It is also admitted that no contraband was recovered from the present petitioner.

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

6. The petitioner was arrested in the present case on 21.07.2023 and is in custody for the last more than 4 months. Only one case under NDPS Act was registered against the petitioner, however, the petitioner has already undergone his sentence. The investigation is almost complete in the present case and the co-accused Pardeep Kumar @ kaku has already been ordered to be released on bail, however, the case of the petitioner is on better footing than his co-accused.

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.

08.12.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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