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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1570-2024

Date of Decision: 20.03.2024

Kesar Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Sumeet Puri, Advocate
for the petitioner (**through VC**).

Mr.M.S.Bajwa, Deputy Advocate General, 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 in case FIR No.83 dated 14.07.2023 registered under Sections 22, 29, 61, 85 of NDPS Act, 1985 at Police Station Dirba, District Sangrur.

2. The FIR in the present case was initially ordered to be registered against Satpal Singh and Didar Singh and 5000 intoxicant tablets of Alprazolam and 5000 intoxicant tablets of Tramadol were recovered from both of them. Both the said accused were ordered to be arrested by the police and are facing prosecution.

3. Learned counsel for the petitioner contends that the petitioner has not been named in the present FIR nor he was present at the place, where the alleged recovery was effected from Satpal Singh and Didar Singh, co-accused. He further contends that the petitioner was arrested in the present case on 10.11.2023 only on the basis of the suspicion. He further contends that it has been alleged that the petitioner had talked to Satpal Singh, co-accused on phone

and except the call records, there is no other admissible evidence against the present petitioner. Even after his arrest, no recovery was effected from the present petitioner and his case is clearly distinguishable from the case of Satpal Singh and Didar Singh.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the recovery of contraband from his co-accused was commercial in nature. He further contends that the petitioner was regularly in touch with the main accused, namely Satpal Singh and Didar Singh and sufficient incriminating evidence has been collected against the present petitioner, during the course of investigation.

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

6. The petitioner was arrested in the present case on 10.11.2023 and no recovery has been effected from him. Apart from that, the police had collected the call details between the petitioner and Satpal Singh and the prosecution is yet to lead evidence during trial with regard to the involvement of the petitioner with the main 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, concerned.

20.03.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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