

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-1592-2024 (O&M)
Date of Decision:-19.1.2024

Amandeep Singh @ Aman ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amit Agnihotri, Advocate,
Mr. Mani Makkar, Advocate and
Mr. Abhishek Jindal, Advocate for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab,
assisted by ASI Jasveer Singh.

FIR No.	Dated	Police Station	Section/s
116	15.6.2021	Sadar Dhuri, District Sangrur	21, 29, 61, 85 of NDPS Act and Sections 25/54/59 of Arms Act, 1959

GURVINDER SINGH GILL, J. (Oral)

- The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
- The case of the prosecution, in nutshell, is that on 15.6.2021, when a police party headed by ASI Jagtar Singh was present on the bridge of canal in the area of Village Jahangir for the purpose of checking of suspected persons, then at about 10:15 p.m. a car bearing registration No.DL-01-YC-5702 was seen coming, which was signaled to stop. However, driver of the said vehicle, upon noticing the police party, tried to turn back the car but the engine of the car stopped. The occupants of the car were apprehended, who disclosed their

names as Amrik Singh @ Meeta, Bhinder Pal Singh @ Bhinder and Satnam Singh @ Sonu. A transparent polythene bag was found lying near the hand-brake of the car, which was found to contain 260 grams of '*heroin*' alongwith a cash amount of Rs.55,000/-.

3. Learned counsel representing the petitioner submitted that it is a case where the petitioner is nowhere named in the FIR and came to be nominated on the basis of a disclosure statement made by the 3 co-accused. Learned counsel submitted that all the 3 co-accused, who were allegedly caught red-handed at the spot while in possession of 260 grams of '*heroin*', have already been granted regular bail by this Court vide order dated 23.11.2022 (Annexure P-3), wherein this Court had observed that the case of the prosecution is not free from doubt.
4. Opposing the petition, learned State counsel submitted that since it is a case of recovery of 'commercial' quantity of contraband from the co-accused, who have specifically nominated the petitioner, no case for grant of bail is made out. Learned State counsel has filed custody certificate of the petitioner, wherein custody of the petitioner is mentioned as 2 years, 6 months and 22 days. The petitioner is also stated to be involved in a large number of other cases. Learned State counsel has pointed out that the petitioner happens to be involved in as many as 48 cases. The custody certificate is taken on record.
5. Learned counsel for the petitioner has stated at the bar that in majority of the cases, the petitioner has been involved on the basis of disclosure statement and he is on bail in the said cases.
6. Learned State counsel has informed that in the instant case upon presentation of supplementary challan on 5.4.2023, the charges are yet to be framed and as many as 28 PWs have been cited.

7. I have considered the rival submissions and have also perused the order dated 23.11.2022 (Annexure P-3) passed in the case of co-accused.
8. It is not in dispute that the petitioner has been nominated on the basis of disclosure statement made by co-accused, the admissibility and authenticity of which would be debatable. In any case, since the co-accused, who were caught red-handed at the spot, have already been granted bail, the same would furnish grounds of parity to the petitioner for his release on bail. The petitioner, in any case, has been behind bars for a substantial period of 2 years, 6 months and 22 days. Conclusion of trial is likely to consume time as the trial is yet to commence inasmuch even charges have not been framed so far. In these circumstances, further detention of the petitioner will not serve any useful purpose. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

19.1.2024
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasonedYes / No

Whether ReportableYes / No