

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5410-2024
DECIDED ON: 26.02.2024

SARWAN SINGH
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Karnail Singh, Advocate with
Mr. Parivartan Singh, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.323, dated 09.11.2020, under Sections 22-C, 29 of NDPS Act, 1985, registered at Police Station Kathunangal, Amritsar.
2. Learned counsel for the petitioner contends that no recovery has been effected from the possession of the petitioner, who has been nominated as an accused merely on the basis of disclosure statement of Navjot Singh from whom the recovery was effected. He further submits that the case of the petitioner is at par with another co-accused namely Sunil Gupta from whom as well no recovery of any contraband was effected and on that account, he stands granted the concession of bail by the trial Court vide order dated 10.08.2021.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He prays for dismissal of the present petition urging that

the petitioner is a habitual offender, who is involved in other cases. Though could not controvert the fact that no recovery has been effected from the possession of the petitioner and he is at par with another co-accused.

4. Heard, learned counsel for the respective parties.
5. Though the custody period would indicate only 4 months and 14 days, but admittedly its a case of no recovery and the petitioner is at par with another co-accused namely Sunil Gupta, therefore, the present petition deserves to be allowed. As far as the contention of learned State counsel with regard to pendency of other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as *“Baljinder Singh alias Rock vs. State of Punjab”* decided on 02.03.2023, wherein, this Court observed that pendency of other FIRs involving the accused-petitioner cannot be a predicament to consider the case for anticipatory bail or regular bail, as the evidence of the material involved in those FIRs can be treated in those cases alone and not material in instant FIR against the accused-petitioner to hold him guilty.
6. In light of the above discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.
7. The present petition is hereby allowed.
8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

26.02.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No