

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

CRM-M-9618-2024 (O&M)
Date of Decision:-28.2.2024

Krishan Singh @ Kishna ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Arshdeep Singh Brar, Advocate for the petitioner.

Mr. Vinay Kumar Malhotra, DAG, Punjab,
assisted by ASI Resham Singh.

FIR No.	Dated	Police Station	Section/s
201	7.10.2023	City South, District Moga	22 Narcotic Drugs and Psychotropic Substances Act, 1985, wherein offence under Section 29 of NDPS Act was added later on

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. It is the case of prosecution that on 7.10.2023, during the course of patrolling, the police came across a young person, who was present near cremation ground and who took out a black coloured polythene envelope from the right

pocket of his lower, which fell on the ground. On the basis of suspicion, the search of said person was effected. The polythene envelope thrown by the said person was found to contain 50 tablets of 'Etizolam'. Upon inquiry, the said person disclosed his name as Kimti Lal. It is further the case of prosecution that during the course of interrogation the aforesaid Kimti Lal disclosed that he had procured the said tablets from the petitioner.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that admittedly he was never ever present at the spot nor any recovery was effected from him and has been nominated on the basis of disclosure statement of co-accused Kimti Lal, the admissibility and veracity of which would be debatable.
4. Opposing the petition, learned State counsel submitted that since the petitioner has been specifically named by co-accused Kimti Lal as the supplier of contraband, his complicity is clearly evident. It has, however, been informed that the petitioner as on date has been behind bars since the last about 4 months and 21 days and that though charges have been framed, but none out of the cited 14 PWs has been examined. It has also been informed that the petitioner happens to be involved in two other cases under Excise Act.
5. This Court has considered the rival submissions addressed before this Court.
6. Without commenting anything as regards merits of the case, but having regard to the custody of the petitioner i.e. about 4 months and 21 days and also the fact that conclusion of trial is likely to take some time as the trial is yet to commence and as many as 14 PWs have been cited, further detention of the petitioner, who was not arrested at the spot and has been nominated on

the basis of disclosure statement, will not serve any useful purpose. The 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.

28.2.2024
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No