

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

237

CRM-M-12841-2024
Date of Decision.:19.03.2024

Jaila Khan @ Jela Khan
Vs.
State of Punjab

.....Petitioner
.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. L.S. Sekhon, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.93 dated 03.06.2019 registered under Section 15, 25 & 29 of NDPS Act, 1985 registered at Police Station Sadar Sangrur, District Sangrur.

2. As per prosecution allegations, on the basis of secret information police party apprehended one dilbag Khan, who was found in possession on 06 bags of poppy husk in a Swift car. The weight of the poppy husk was 200 kg. During interrogation, said dilbag Khan nominated Rajinder Kumar and Satpal Dass @ Sattu besides petitioner Jaila Khan to be the co-accused. According to him, he had purchased the contraband from Rajinder Kumar and thereafter, he had to supply 40 kilogram each to Satpal Dass @ Sattu and Jaila Khan i.e. the petitioner.

3. It is contended by learned counsel that petitioner has been falsely implicated; that petitioner has been nominated only on the basis of

disclosure statement of co-accused dilbag Khan; that no recovery was effected from the petitioner; that co-accused Rajinder Kumar and Satpal Dass @ Sattu, who are similarly placed to the petitioner, have already been allowed bail by this Court vide order dated 14.07.2023 passed in CRM-M-13639-2023 & CRM-M-10240-2023 (Annexure P-2).

4. Notice of motion.

5. Mr. G.P.S. Bhullar, AAG, Punjab accepts notice on behalf of respondent- State.

6. Learned State counsel could not refute any of the aforesaid contention. It has been conceded that no recovery has been effected from the petitioner; that he has been nominated on the basis of disclosure statement of co-accused and that similarly placed co-accused Rajinder Kumar and Satpal Dass @ Sattu have already been allowed bail vide Annexure P-2.

7. Learned State counsel has also placed on record custody certificate which reveals that petitioner is in custody for the last 11 months and 27 days, though he is involved in three more cases pertaining to the NDPS Act and has also been convicted in one case pertaining to Arms Act and in another case pertaining to NDPS Act.

8. Having regard to the facts and circumstances as noticed above, particularly when no recovery has been effected from the petitioner and he has been nominated only on the basis of disclosure statement of co-accused and that similarly placed co-accused have already been allowed bail, petitioner cannot be declined bail simply because of his previous convictions or his involvement in other cases. Trial may take time to conclude. No

purpose shall be served by keeping the petitioner detained.

9. As such, without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

March 19, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No