

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-16042-2024
Date of decision:-23.07.2024

AMARJIT

Versus

... Petitioner

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Mohit Giri, Advocate for
Mr. Ashok Giri, Advocate for the petitioner.

Mr. Japjot Singh, AAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned counsel for the State has filed reply by way of affidavit dated 22.07.2024 of Deputy Superintendent of Police, Sub-Division Phillaur, Jalandhar, and also custody certificate dated 22.07.2024, the same is taken on record. Copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
7	24.01.2024	22(b) of NDPS Act (Section 29 NDPS Act added later on)	Bilga, District Jalandhar



3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that petitioner was not named in the FIR but was nominated on the disclosure statement of Ramandeep Singh and Manjinder Singh from whom intoxicant tablets were recovered. He submits that petitioner is in custody since 24.01.2024, and no recovery has been effected from him despite his arrest and custodial interrogation, after completion of investigation challan has been presented in Court which will take sufficient long time to conclude, as such he prays for grant of concession of regular bail to the petitioner.

4. Learned State counsel, on the other hand, has opposed the bail petition by arguing that considering the nature and gravity of offence, petitioner does not deserve concession of bail. However, he has admitted that challan has been presented in Court. He also admitted that FIR No. 09, dated 29.01.2005, under NDPS Act was registered against the petitioner but he is acquitted in that case.

5. After considering the submissions made by both the sides and perusing the record, it transpires that as per the case of the prosecution, during patrolling two youths were seen coming from the side of village Lidhad Kalan. On seeing police party, they got perplexed and tried to turn motorcycle back but slipped at the edge of the road. On checking they disclosed their names as Ramandeep Singh and Manjinder Singh and from them recovery of 100 tablets and 80 tablets of intoxicants respectively had been effected. The petitioner was not named in the FIR but was nominated on the disclosure statement made by Ramandeep Singh and Manjinder Singh from whom recovery of intoxicants tablets was effected. As per reply



submitted by the State, petitioner is involved in FIR No. 09, dated 29.01.2005, under NDPS Act though he is acquitted in the said case. Petitioner was arrested on 24.01.2024, and after completion of investigation challan has already been presented in Court and no recovery has been effected despite arrest and custodial interrogation. The conclusion of trial, to ascertain criminal liability, if any will take sufficient long time and no purpose would be served by detaining the petitioner any longer in custody.

6. Resultantly, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

23.07.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |