

109+219 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-16718-2024 in/and
CRM-M-16561-2024
Date of Decision: 30.04.2024**

Angrej Singh alias Sonu

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

**Present : Mr. Lovish Rattan, Advocate
for the petitioner.**

Mr. Deepinder Singh Brar, Senior DAG, Punjab.

N.S.Shekhawat J. (Oral)

CRM-16718-2024

1. Application is allowed as prayed for subject to just exceptions.

Annexure P-5 is taken on record.

CRM-M-16561-2024

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.51 dated 21.03.2022 registered under Sections 21 (C), 25 and 29 of NDPS Act, 1985, at Police Station STF, SAS Nagar, Mohali.

2. As per case of the prosecution, there had been a recovery of 350 grams of heroin from the toolkit of the motorcycle bearing No.PB-02 DU 9957, which was allegedly being driven by Upkar Singh @ Mintu, main accused and the petitioner was a pillion rider.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case only on the ground that he was the pillion rider of the motorcycle. He further submits that no recovery has been effected from the personal search of the petitioner. The petitioner was arrested in the present case on 21.03.2022 and is in custody for the last more than 02 years. He further submits that the investigation is complete and the challan has already been presented before the trial Court on 26.08.2022. The charges have been framed against the present petitioner on 25.04.2023. He next contends that similarly placed co-accused namely Upkar Singh @ Mintu has already been granted the concession of bail by this Court vide order dated 08.01.2024 passed in CRM-M-52627-2023 (Annexure P-4). Learned counsel for the petitioner has relied upon the law laid down by the Hon'ble Supreme Court in the matter of SLP No. 6690 of 2022, titled as **“Dheeraj Kumar Shukla Vs. State of Uttar Pradesh”**, in which the Hon'ble Supreme Court held as follows:-

“2. The allegations are that on a secret information, the police authorities intercepted two vehicles on 23.06.2020 i.e. one 'Gray' coloured 'Honda City' car and the second 'White' coloured ' Swift Dzire' car. On an interrogation at the spot, Praveen Maurya @ Puneet Maurya, Rishab Kumar Maurya and Dheeraj Kumar Shukla were found to be occupants of the 'Honda City' car whereas the petitioner was driving the 'Swift Dzire' car. On taking a search, more than 92 kgs. Ganja was allegedly recovered from 'Honda City' car where as more than 65 kgs. Ganja was recovered from 'Swift Dzire' Car. The accused were arrested at the spot. The petitioner is, thus, in custody since 24.06.2020.

3. It appears that some of the occupants of the 'Honda City' Car including Praveen Maurya @ Puneet Maurya have since been released on regular bail. It is true that the quantity recovered from

the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents and the fact that the petitioner is in custody for the last two and a half years, we are satisfied that the conditions of Section 37 of the Act can be dispensed with at this stage, more so when the trial is yet to commence though the charges have been framed.

4. For the reasons stated above but without expressing any views on the merits of the case, the petitioner is directed to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial Court.”

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious and specific allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

5. I have heard learned counsel for the parties and perused the record.

6. From the record, it is evident that the petitioner was arrested in the present case on 21.03.2022 and is in custody for the last more than 02 years. Apart from that, similarly placed co-accused, namely Upkar Singh @ Mintu has already been granted the concession of bail by this Court vide order dated 08.01.2024 (Annexure P-4).

7. Consequently, keeping in view the above stated facts and the law laid down by the Hon'ble Supreme Court in the matter of **Dheeraj Kumar Shukla's case (Supra)** , the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/ Duty Magistrate/Chief Judicial Magistrate, concerned

(N.S.SHEKHAWAT)
JUDGE

30.04.2024

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No