

2024:PHHC:108556



214.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-21744-2024

Date of decision: 22.08.2024

Raja Singh alias Ranjit Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Vaibhav Narang, Advocate, for the petitioner.

Ms. Avneet, AAG, Punjab.

GURBIR SINGH, J.

1. This petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.0047, dated 07.07.2019, registered under Sections 21, 22 of NDPS Act, 1985 at Police Station Mattewal, District Amritsar Rural.

2. The allegation against the petitioner is that when his car was stopped for checking, he tried to throw away one polythene packet from the right pocket of his trouser. On search of said polythene packet, 2 grams of heroin and 50 loose tablets of branch Dextavon were recovered.

3. Learned counsel for the petitioner has submitted that since the quantity recovered was non-commercial, the petitioner was released on regular bail by the trial Court in 2019 itself. He was regularly attending the trial Court, but on 19.03.2021, he could not attend the court as he had to go

to Uttar Pradesh on account of his false implication by the police in some other case. Ultimately, vide order dated 14.12.2023, he was declared proclaimed offender.

3.1. Learned counsel has argued that the petitioner has been falsely implicated in the present FIR. He has no role to play in the commission of alleged offence. He undertakes to appear on each and every date of hearing and will not hamper the proceedings. He was arrested on 12.01.2024. Trial in the case will take long time to conclude. No useful purpose would be served by further incarceration of the petitioner.

4. Pursuant to order dated 16.07.2024, learned State counsel has filed status report by way of an affidavit of Jaspal Singh, PPS, Deputy Superintendent of Police, Sub-Division Majitha, Amritsar (Rural), on behalf of respondent-State, which is taken on record. She submits that during custodial interrogation, the petitioner suffered a disclosure statement that around 20-25 days back, he developed friendship with one Gurjit Singh, who gave him heroin and capsules to supply them to someone and Gurjit Singh will give money to him for supplying the drugs. On the basis of his disclosure statement, said Gurjit Singh was nominated in the present case and vide order dated 16.09.2019, he was released on interim bail. The recovered intoxicant capsules were found to have containing salt 'Dextropropoxyphene Hydrochloride having quantity of 55.80 mg each capsule and 27.70% Diacetylmorphine in the heroin.

4.1 Learned State counsel further submits that petitioner is not entitled to the concession of regular bail in view of seriousness/gravity of offence committed by him. There is strong apprehension that he can misuse the bail by absconding from trial. He is also found to have been involved in another case i.e. FIR No.54, dated 12.01.2024, under Section 174-A of Cr.P.C., Police Station Mattewal, Amritsar (Rural).

5. I have heard the submissions of learned counsel for the petitioner, learned State counsel and have gone through the file.

6. Considering the fact that the petitioner is in custody for the last 7 months and 10 days after his arrest and completion of trial will take some time, this Court deems it appropriate to release the petitioner on regular bail.

7. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of concerned learned trial Court/Chief Judicial Magistrate/Duty Magistrate, with the further condition that he shall furnish an affidavit to the effect that in future, he will appear on each and every date of hearing before the court and shall not hamper/delay the trial in any manner. He shall get his mobile number registered in the trial Court for receiving messages on CIS system and shall not change his mobile number during the pendency of the case. He shall also furnish his residential address to the trial Court as well as to the concerned police station and shall not change

his residence without intimation to the concerned police station. The trial Court may impose any other condition as it deems fit.

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 and the trial Court shall decide the case on the basis of material available before it.

(GURBIR SINGH)
JUDGE

August 22, 2024
sanjeev

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