

2024.PHHC.084341



220.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29920-2024
Date of decision: 08.07.2024

Kamaljeet Singh alias Goldy Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Munish Raj Chaudhary, Advocate, for the petitioner.
Ms. Avneet, AAG, Punjab.

GURBIR SINGH, J.

1. This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.0003, dated 17.01.2023, registered under Section 22 of NDPS Act, 1985 (Section 29 of NDPS Act added lateron) at Police Station Tallewal, District Barnala.
2. Pursuant to order dated 20.06.2024 passed by this Court, status report by way of an affidavit of Kanwalpal Singh, PPS, Deputy Superintendent of Police, Sub-Division, Mehal Kalan, District Barnala, has been filed on behalf of respondent-State in Court today, which is taken on record.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR. No recovery has been effected from the petitioner. Similarly situated co-accused Avenpreet Singh

@ Baby has already been granted regular bail by this Court vide order dated 01.05.2024 passed in CRM-M-3147 of 2024 and the petitioner is also entitled for bail on that account. He further submits that the petitioner is in custody since 17.02.2023 and there is no other case against the petitioner. The trial in the case will take long time to conclude.

4. Learned State counsel has opposed the bail petition. She contends that during interrogation, the petitioner along with two other co-accused disclosed that they used to bring intoxicant tablets from Lovepreet Singh @ Lovi @ Labha, and on their disclosure, he was nominated as an accused and arrested on 25.01.2023 and got recovered 300 intoxicant tablets. The petitioner was found to have involved in drug trafficking. However, she fairly submits that no other criminal case is found to have registered against the petitioner.

5. At this stage, learned counsel for the petitioner submits that said Lovepreet Singh @ Lovi @ Labha has also been granted bail by the coordinate Bench of this Court vide order dated 23.05.2024 passed in CRM-M-11287 of 2024.

6. Heard.

7. As per the version of prosecution, on 17.01.2023, ASI Sukhwinder Singh along with other police officials were going from Bihla side canal bridge Gehal towards Mumm-Chhiniwal Road for patrolling and checking of suspect persons and at about 7:35 PM when the police party reached near the tower Gehal, three young persons were seen sitting in the

tower area, one of whom was holding a plastic envelope and on seeing the police party, they got perplexed and he threw away the plastic envelope and started running away. On throwing the plastic envelop by the young man, the strips of intoxicant tablets scattered on the ground, then said ASI apprehended those persons and asked for their names. The person, who threw the plastic envelop, disclosed his name as Damanjit Singh @ Daman, second person disclosed his name as Avenpreet Singh @ Baby and third person disclosed his name as Kamaljeet Singh @ Goldy (present petitioner). 72 strips of 10 tablets each, total 720 tablets, were recovered, each tablet is of 415.24 mg containing Tramadol Hydrochloride.

7.1 Since specific version of the prosecution is that the bag was being held by the co-accused and on seeing the police party, it was thrown away, so at the most, the petitioner was accompanying other accused. Co-accused Avenpreet Singh @ Baby has already been granted regular bail by the coordinate Bench of this Court vide order dated 01.05.2024. The accused Lovepreet Singh @ Lovi @ Labha from whom the three accused persons used to bring intoxicant tablets, as per their disclosure statement, has also been granted bail by the coordinate Bench of this Court vide order dated 23.05.2024. The trial in the case is going at slow pace as out of 17 witnesses, only two have been examined. Thus, this Court finds that no useful purpose would be served by keeping the petitioner in custody anymore.

8. 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/Duty Magistrate.

9. 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

July 08, 2024
sanjeev

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