

In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-43924-2023 (O&M)
Date of Decision:- 29.01.2024

Chand Singh alias Golu ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Sanish Girdhar, AAG, Punjab,
assisted by ASI Baldev Singh.

FIR NO.	DATE	POLICE STATION	OFFENCES
25	10.6.2021	Mehal Kalan District Barnala	21, 22-C, 25, 27-B and 29 of NDPS Act

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. As per the case of prosecution one Amritpal Singh was apprehended by the police and was found to be in possession of 350 grams of ‘Heroin’. It is further the case of prosecution that another person namely Arshdeep Singh who was also accompanying Amritpal Singh however, managed to flee away from the spot. Subsequently, Amritpal Singh suffered a disclosure statement nominating one

Vishesh Kumar as an accused and also one Iqbal @ Babbu. Arshdeep Singh, who had fled away from the spot was arrested on 23.6.2021 and during the course of his interrogation he nominated Vijay Singh @ Ghuggi as an accused. Said Vijay Singh was arrested on 24.6.2021 and 380 grams of 'Heroin' was recovered from him. It is further the case of prosecution that when said Vijay Singh was interrogated, he named Chand Singh also an accused. Chand Singh i.e. the present petitioner was arrested by the police on 30.6.2021 just outside his house while he was searching for something in a polythene bag and upon being apprehended, 50 grams of 'Heroin' and 825 loose intoxicating tablets were recovered from said Chand Singh.

3. Learned counsel for the petitioner submits that he has falsely been implicated in the present case and apparently it is a case where the petitioner was neither present nor apprehended at the spot and came to be arrested subsequently on the basis of disclosure statement of some other co-accused who himself was not present at the spot. It has been submitted that ever since the apprehension of the petitioner on 30.6.2021, the petitioner has been in custody which as of now would be more than 2 ½ years. Learned counsel has further submitted that the petitioner is not involved in any other case except for a case under Prison Act wherein he was convicted for simple imprisonment for 6 months.
4. Opposing the petition, learned State counsel has submitted that even though the petitioner is not nominated in the FIR and came to be nominated on the basis of disclosure statement but having regard to the fact that a commercial quantity of contraband was recovered from

him, the fetters imposed by Section 37 of NDPS Act would be attracted. Learned State counsel has submitted that as a matter of fact a period of 6 months to which the petitioner was sentenced under Prison Act ought to be excluded from the undergone period. Learned State counsel has submitted that as on date 2 out of cited 19 PWs have been examined and that the petitioner is not involved in any other case under NDPS Act.

5. This Court has considered the rival submissions.
6. Having regard to the fact that the petitioner is not involved in any other case under NDPS Act and has been behind bars for a substantial period of 2 ½ years, further detention of the petitioner would not be justified particularly when conclusion of trial is likely to consume time inasmuch only 2 out of cited 19 PWs have been examined till date. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.01.2024
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No