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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-45705 of 2023
Date of decision:- 13.02.2024

PALWINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Vishal Khatri, Advocate for
Mr. Vipul Jindal, Advocate
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

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 (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
36	02.12.2022	21, 23 C, 25, 29 of NDPS Act	SSOC, Amritsar

2. 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 neither named in the FIR nor any recovery has been effected from him in this case. He contends that petitioner along with

co-accused Sunil Saroj was nominated on the alleged disclosure statement made by co-accused Jatinder Singh from whom recovery of contraband was effected, however after their arrest neither any recovery has been effected from the petitioner nor from co-accused Sunil Saroj. He contends that co-accused Sunil Saroj has been granted concession of anticipatory bail by this Court vide orders dated 25.05.2023 and 27.07.2023 (Annexure P-6 colly) and the case of the petitioner is at the same footing. He contends that petitioner is in custody since 05.01.2023, challan has already been presented in Court, as such he prays for grant of concession of bail to the petitioner.

3. Per contra learned counsel for the State has opposed the bail application by arguing that the petitioner is involved in heinous crime of dealing in narcotics, as such he does not deserve concession of bail. However he admitted that the petitioner was arrested on the basis of disclosure statement and nothing has been recovered from petitioner. He further submits that challan has been presented in Court and out of 18 witnesses none of the them have been examined so far.

4. After considering the arguments and perusing the record, it is observed that the petitioner along with co-accused Sunil Saroj was not named in the FIR but was nominated on the disclosure statement made by co-accused Jatinder Singh from whom narcotics/contraband was recovered. Co-accused Sunil Saroj has been granted concession of anticipatory bail by this Court vide orders dated 25.05.2023 and 27.07.2023 (Annexure P-6 colly). The petitioner was arrested on 05.01.2023 and no recovery was effected from him. Challan has already been presented in Court and

prosecution has cited 18 witnesses and none of them have been examined so far. The conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time and no purpose would be served by keeping petitioner behind bars any longer.

5. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate 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.

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

(SANJIV BERRY)
JUDGE

13.02.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No