

CRM-M-52504-2023

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2024:PHHC:058402

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

CRM-M-52504-2023

Date of Decision:29.04.2024

MAJOR SINGH

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Gagandeep Singh Simble, Advocate
for the petitioner.

Mr. Kuljit Singh, Addl. A.G., Punjab.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.53 dated 11.04.2021 registered for the offences punishable under Sections 22, 61 of NDPS Act (Challan presented under Sections 22, 29, 61, 85 of NDPS Act) at Police Station Sadar Batala, Police District Batala, District Gurdaspur.

2. As per the allegation appearing on record, police recovered 1005 intoxicating tablets from possession of the petitioner on 11.04.2021. The petitioner was arrested at the spot but subsequently granted interim bail for a certain period.

3. Counsel for the petitioner submits that the petitioner is falsely implicated in the present case, as is evident from recovery memo dated 11.04.2021, which was already bearing FIR number in a printed form and from the perusal of FIR it could be easily made out that the

aforesaid recovery memo was prepared before despatch of ruqa to the

police station for registration of FIR. Thus the fact that recovery memo was already having FIR number that too in a running form, creates doubt about the prosecution story. Counsel for the petitioner further submits that petitioner is in custody for last more than 1 year and 6 months and is presently involved in one another case of NDPS Act wherein he is on bail. It is further submitted that the trial is not progressing ahead and till date only two witnesses are examined out of total 11 witnesses on behalf of prosecution. Counsel for the petitioner further submits that the aforesaid delay in trial is not on account of any fault of the petitioner. It is further submitted that it will take time for the trial to conclude. Counsel for the petitioner further submits that no useful purpose will be served by detaining the petitioner in custody for any longer period.

4. Status report by way of an affidavit of Khushbir Kaur, Deputy Superintendent of Police, Sub Division Fatehgarh Churian, Police District Batala filed on behalf of State is taken on record.

5. State counsel while resisting the present petition submits that the case is relating to recovery of commercial quantity of medical intoxicants from petitioner and recovery memo was prepared at the spot by the Investigating Officer. He further submits that petitioner is in custody for last more than 1 year and 6 months. It is further submitted that trial is going on and prosecution has already examined two witnesses out of total 11 witnesses. State counsel further submits that at this stage no ground is made out to grant regular bail to the petitioner.

6. I have considered the submissions made by counsel for the parties.

7. From the perusal of recovery memo, it appears that the same is bearing FIR number and other particulars of the case in a printed form

and this fact raises doubt with regard to version put forth by the prosecution. Further the petitioner has already suffered custody of 1 year and 6 months and it will take considerable time for termination of the trial. Further the petitioner is stated to be on bail in one another case faced by him under NDPS Act. This Court is of the view that in the given circumstances, no useful purpose would be served by keeping the petitioner behind the bars for any indefinite period.

8. For the foregoing reasons, 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 the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)

JUDGE

29.04.2024

Priyanka Thakur

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No