

103+228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-157-2024 & CRM-46097-2023
in/and CRM-M-55013-2023
Date of Decision: 09.01.2024

Sandeep Singh alias Sandeep

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Samay Singh Sandhawalia, Advocate
for the applicant-petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)**CRM-157-2024**

1. Application is allowed as prayed for. Regular bail order of the co-accused is taken on record as Annexure P-5.

CRM-46097-2023

1. The instant application has been filed under Rule 3-A (1) Chapter VI, Part-B, Vol. V of the Punjab and Haryana High Court Rules and Orders for grant of leave to file the present petition.

2. Application is allowed, as prayed for.

CRM-M-55013-2023

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.56 dated 22.06.2023 registered under Sections 22, 61 and 85 of NDPS Act (Section 29 of NDPS added later on) at Police Station Sadar Rupnagar, District Rupnagar.

2. As per case of the prosecution, at about 4.10 p.m. on 22.06.2023, a police party was on patrolling duty and co-accused Gaurav Kumar @ Happy @ Billa was apprehended, who was carrying 300 grams of intoxicant powder, which was found to be Tramadol Hydrochloride. After following the process prescribed by the Statute, Gaurav Kumar @ Happy @ Billa was arrested at the spot and he continues to be in custody in the present case.

3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR nor he was arrested at the spot. In fact, the petitioner was wrongly arrested after one month of the recovery of the contraband from the co-accused, on the strength of the disclosure statement suffered by his co-accused Gaurav Kumar @ Happy @ Billa. He further contends that the petitioner is in custody since 29.06.2023 and no recovery was effected from him even after his arrest. Learned counsel further contends that the police has already presented the challan against him and his further custody will not serve any meaningful purpose.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the recovery of contraband from the co-accused of the petitioner was commercial in nature and the petitioner is not entitled to be released on bail.

5. I have heard the learned counsel for the parties and perused the record.

6. It is the admitted case of the parties that the petitioner was nominated as an accused on the basis of the disclosure statement of his co-accused and after his arrest on 29.06.2023, no recovery was effected from the

petitioner. The investigation has already been completed in the present case and only two witnesses, out of total 16 witnesses, have been examined so far. Thus, the conclusion of the trial may take quite a long time and further custody of the petitioner will not serve any meaningful purpose.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

09.01.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

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