

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-59536-2022
Date of Decision: 26.2.2024

Rajinder Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Abhishek Singla, Advocate
for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, 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.117 dated 20.5.2021 registered for the offences punishable under Sections 22 of NDPS Act at Police Station City Jalalabad, District Fazilka.

2. The allegations in nutshell are that FIR in this case was registered against co-accused Surinder Singh on 20.5.2021 and thereafter, said Surinder Singh was arrested and 950 tablets of medical intoxicants were recovered from him which comes under commercial quantity. During investigation, said Surinder Singh made disclosure statement against the present petitioner and thereafter, the petitioner was arrested and non-commercial quantity of medical intoxicants were recovered from his possession.

3. Counsel for the petitioner submits that the petitioner is falsely named in the present case and is in custody for the last about 1 year and 9

months and is also involved in one another criminal case under NDPS Act wherein he is enlarged on bail. It is further submitted that rigors of Section 37 of NDPS Act are not applicable to the recovery stated to be effected from the petitioner. It is further submitted that the petitioner is 70 years of age and it will take time for the trial to conclude. So, prayer is made that the petitioner be released on bail.

4. Present petition is resisted by the State counsel who submits that there are allegations that medical intoxicants which were recovered from co-accused/Surinder Singh were procured by the said accused from the petitioner. It is further submitted that the recovery effected from co-accused Surinder Singh comes under commercial quantity and thus, rigors of Section 37 of NDPS Act are applicable to the present case. However, the State counsel has not disputed the fact that the petitioner is in custody for the last 1 year and 9 months and that the trial is at its initial stage and that in another case registered under NDPS Act, the petitioner is on bail.

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

6. Admittedly, the petitioner was not named in the FIR which was registered against co-accused/Surinder Singh from whom, the police effected recovery of commercial quantity of medical intoxicants. The petitioner is named as accused on the basis of the disclosure statement made by co-accused/Surinder Singh. Relevance and admissibility of the said disclosure statement will be tested during trial. Alleged recovery effected from the present petitioner comes under non-commercial quantity and the petitioner is in custody for the last 1 year and 9 months and is on bail in another criminal case faced by him under NDPS Act. Trial is at its initial

stage as till date, the prosecution is unable to examine any witness out of total 11 witnesses. It will take considerable time for the trial to conclude. In the given circumstances, no useful purpose is going to be served by detaining the petitioner in custody for any longer period.

7. In view of the above, 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

February 26, 2024
Paritosh Kumar

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