

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-59062-2023

Date of Decision: 28.2.2024

Jagdev Singh @ Debu @ Billa

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ranjodh Singh Sidhu, Advocate
for the petitioner.

Mr. Jasjeet Singh Dhaliwal, AAG, 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.61 dated 23.7.2023 registered for the offences punishable under Sections 25 of Arms Act and 21-c, 29 of NDPS Act at Police Station Chohla Sahib, Tarn Taran.

2. The allegations in nutshell are that on 23.7.2023, the petitioner and Arshdeep Singh were apprehended by the police and on personal search of the petitioner, the police recovered one country made .32 bore pistol and one live cartridge of same bore while on personal search of co-accused/Arshdeep Singh, recovery of one country made .32 bore pistol and two live cartridges of the same bore was effected. Thereafter, co-accused/Arshdeep Singh suffered disclosure statement which resulted into recovery of 280 grams of Heroin from the disclosed spot. The petitioner is in custody since 23.7.2023.

3. Counsel for the petitioner, *inter alia* submits that the petitioner was falsely implicated in the present case and is having no criminal history and is behind the bars for the last more than 7 months and no contraband was recovered from the possession of the petitioner. It is further submitted that it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be released on regular bail.

4. On the other hand, State counsel, while resisting the present petition, submits that the petitioner and Arshdeep Singh were arrested by the police and one country made .32 bore pistol each was recovered from them and one live cartridge of the same bore was also recovered from possession of the petitioner while two live cartridges of the same bore were also recovered from possession of Arshdeep Singh/co-accused and thereafter, during investigation, co-accused/Arshdeep Singh got recovered 280 grams of Heroin on the basis of his disclosure statement. State counsel on instructions from ASI Harjinder Singh has not disputed the fact that the petitioner is in custody for the last 7 months and is having no criminal antecedents and only aforesaid firearm and one live cartridge was recovered from possession of the petitioner and further, the trial is at its initial stage.

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

6. Admittedly, no contraband was recovered from conscious possession or at the instance of the petitioner. Only one .32 bore country made pistol and one live cartridge of the same bore are stated to be recovered from possession of the petitioner who is having no criminal history and is incarcerated for the last more than 7 months. Trial is at its

initial stage as charges are yet to be framed and thereafter, it will take considerable time for the trial to conclude. In the given circumstances, no fruitful purpose is going to be served by keeping the petitioner in custody for any further 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 28, 2024
Paritosh Kumar

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