

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-60266-2023
Date of decision:-25.09.2024

TARANDEEP SINGH @ TARNA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. R.S. Sekhon, Advocate for the petitioner.
Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed reply by way of an affidavit dated 06.08.2024 of Deputy Superintendent of Police Nihal Singh Wala, District Moga, alongwith custody certificate dated 24.09.2024, the same are taken on record, copies thereof, have been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Criminal Procedure Code for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
73	19.09.2023	15 of NDPS, Act (29 NDPS added later on)	Ajitwal, District Moga

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case on the alleged disclosure statement of co-accused Jagdev Singh from whom the alleged recovery was effected. He contends that despite the arrest of the petitioner no recovery of contraband has been effected from the petitioner and he is in custody since 22.09.2023, after completion of investigation, challan has already been presented in Court and the conclusion of trial will take long time and hence he prays for grant of regular bail to the petitioner.

5. Per contra, learned State counsel has opposed the bail petition by arguing that the petitioner has been nominated in the case on the basis of disclosure statement of co-accused Jagdev Singh from whom recovery of commercial quantity of contraband was effected, who happens to be the father of petitioner, as such he does not deserve concession of bail. However, he has admitted that no recovery has been effected from the petitioner and after completion of investigation, challan has already been presented in Court.

6. After considering the respective submissions and perusing the record, it transpires that the the instant FIR was registered against Jagdev Singh consequent upon recovery of 68 kg Poppy Husk from him and on the basis of disclosure statement, the present petitioner was nominated and subsequently arrested in this case, however no recovery has been effected from him. It is worth mentioning that during course of proceedings the petitioner was enlarged on interim bail vide order dated 06.12.2023 passed by the Coordinate Bench of this Court.

7. From the above discussion, it is observed that the petitioner was in custody since 22.09.2023 and no recovery of contraband had been effected from him after his arrest in the case, challan has already been presented in Court and the conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner and no purpose would be served by detaining the petitioner any longer in custody.

8. Resultantly, without commenting on the merits of the case, the interim bail granted to the petitioner vide order dated 06.12.2023 is hereby confirmed and the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court 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.

9. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law

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

(SANJIV BERRY)
JUDGE

25.09.2024
Gyan

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |