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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60800 of 2023
Date of Decision: 16.04.2024

Arvinder Singh @ Sonu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail to the petitioner in FIR No.214, dated 13.09.2022, under Sections 18, 18(b) and 29 of the NDPS Act, 1985, registered at Police Station Shahkot, District Jalandhar (Rural).

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present petition and he was not arrested on the spot. In fact, the recovery whatsoever has been effected from the main accused i.e. Boota Singh who in his disclosure statement named the present petitioner and on that account, he was nominated as an accused subsequently.

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He prays for dismissal of the present petition stating that the allegations against the petitioner are serious in nature. He further submits that the quantity of contraband is 3 kg. of opium which was underneath the driver seat of the car of Boota Singh @ Mintu.

Be that as it may, considering the custody period undergone by the petitioner i.e. 01 year, 07 months and 03 days as of now, who is a person of clean antecedents as is evident from the custody certificate added with the fact that out of total 13 prosecution witnesses, none has been examined so far which is suffice to infer for this Court that the conclusion of trial shall take considerable time, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

In view of the above, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

In the aforesaid terms, the present petition is, hereby, allowed.

However, it is made clear that any observation made hereinabove, shall not be construed as an expression of opinion on the merits of the case.

16.04.2024
D.Bansal

(SANDEEP MOUDGIL)
JUDGE

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