

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(209)

CRM-M-1498-2021
Date of decision:- 29.07.2021

Sanket Uppal

... Petitioner

Versus

State of Punjab

... Respondent

(209-3)

CRM-M-20742-2021 (O&M)
Date of decision :- 29.07.2021

Vijay Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Jashandeep Singh Sandhu, Advocate with
Mr. Amaninder Preet, Advocate
for the petitioner (in CRM-M-1498-2021).

Mr. Deepak Gupta, Advocate
for the applicant-petitioner (in CRM-M-20742-2021).

Mr. Sandeep Singh Deol, DAG, Punjab.

...

SUVIR SEHGAL, J. (ORAL)

The Court has been convened through video conferencing due to
Covid-19 pandemic.

CRM-22318-2021 in CRM-M-20742-2021

Prayer in the application is for placing on record the amended
petition.

On an oral request made by the counsel for the applicant-
petitioner, he is permitted to amend the petition.

Amended petition is taken on record.

Application is allowed.

CRM-22430-2021 in CRM-M-20742-2021

Counsel for the applicant-petitioner seeks and is granted permission to withdraw the application as it has been inadvertently filed.

Dismissed as withdrawn.

Main case

This order shall dispose of ***CRM-M-1498-2021 titled as Sanket Uppal Versus State of Punjab and CRM-M-20742-2021 titled as Vijay Kumar Versus State of Punjab*** as both the petitioners are named as accused and are seeking regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.65 dated 17.06.2020 registered for offence under Sections 22 and 29 (added later on) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “the NDPS Act”) at Police Station Sadar Faridkot, District Faridkot, Punjab (Annexure P-1).

As per version of the prosecution, FIR (Annexure P-1) has been registered on the basis of a secret information and 35,000 tablets were recovered from rear seat of car in which Harjeet Lal @ Laddu and Balwant Singh @ Billu were travelling. On the basis of their disclosure statements, Sanket Uppal (petitioner in CRM-M-1498-2021) and Vijay Kumar (petitioner in CRM-M-20742-2021) were arrested on 18.06.2020 and their first petition for grant of regular bail was withdrawn, after arguments, in December, 2020.

Counsel for the petitioner has contended that the petitioners have been nominated as accused on the basis of disclosure statements of Harjeet Lal @ Laddu and Balwant Singh @ Billu, but no recovery has been

effected from him. He urges that the disclosure statements of co-accused recorded in police custody are not admissible in evidence. A categorical assertion has been made by the counsel that both the petitioners are not involved in any offence under the provisions of the NDPS Act. Counsel contends that the first petition seeking regular bail by the petitioners was withdrawn on 04.12.2020 and thereafter challan stands presented on 11.12.2020 and the charge has been framed on 29.01.2020, which according to the counsel is a change in the circumstances and the petitioners deserve to be enlarged on bail.

Per contra, learned State counsel has opposed the petition, upon instructions from SI Varun. By referring to status report filed in CRM-M-1498-2021, he has submitted that the contra-band, as per FSL report is Tramadol Hydrochloride and the quantity recovered falls within the category of commercial quantity under the provisions of the NDPS Act. He was not in a position to refute the fact that no recovery has been effected from both the petitioners, though he submits that Sanket Uppal has been named as an accused in a FIR registered against him under section 52-A of the Prisoners Act, 1894. As per his instructions, though the charge has been framed and the trial is fixed for 17.08.2021 but till date out of the 22 prosecution witnesses, none has been examined.

Having considered the submission of the counsel for the parties, this Court is prima facie of the view that since the petitioners are being arraigned as accused on the basis of disclosure statements of co-accused, therefore, they are entitled to be released on bail. The petitioners, who are

not involved in any other case under the NDPS Act, are in incarceration for the last more than one year and one month, and the trial is likely to take time to conclude.

Without commenting anything on the merits or demerits of the arguments raised by the counsel for the parties, the petitions are allowed and the petitioners, namely, Sanket Uppal and Vijay Kumar are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

29.07.2021
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No