

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-3036-2022

Date of Decision:-08.08.2022

NaveenKumar @ Happy.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Arshdeep Singh Brar, Advocate for the Petitioner.

Mr. Sidakmeet Singh Sandhu, AAG Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.208 dated 23.09.2018 under Sections 22 (21, 29 added later on) NDPS Act, 1985 registered at Police Station City South Moga, District Moga.

The present FIR came to be registered by the ASI concerned who stated that while they were on patrolling duty they saw a person with a haircut coming on a scooter whom they tried to stop. The said person got perplexed, tried to move the scooter to the opposite side but fell down in the process. On being apprehended he disclosed his name as Jagraj Singh. On his search 300 grams of intoxicant powder containing Tramadol Hydrochloride and 30 grams of Heroin came to be recovered. Thereafter he is said to have named one Gurpreet Singh and the present petitioner.

The Counsel for the petitioner *inter alia* contends that Jagraj Singh the main accused has already been granted the concession of bail by this Court vide order Annexure P-2. Similarly, Gurpreet Singh has also been granted the concession of regular bail vide Annexure P-3. The case of the petitioner is similar to that of Gurpreet Singh. He submits that the

Hon'ble Supreme Court and this Court in **Tofan Singh Vs. State of Tamil Nadu, 2020 AIR (Supreme Court) 5592, Rakesh Kumar Singla Vs. Union of India 2021(1) RCR (Criminal) 704, State by (NCB) Bengaluru Vs. Pallulabid Ahmad Arimutta &Anr. 2022(1) RCR (Criminal) 762, Surinder Kumar Khanna Vs. Intelligence Officer, Director of Revenue Intelligence, 2018(3) RCR (Criminal) 954** and **Sanjeev Chandra Aggarwal & Anr. Versus Union of India 2021(4) RCR (Criminal) 590** has stated that such disclosure statements against the co-accused are inadmissible in evidence. He contends that there is one other FIR registered against him being FIR No.195 dated 6.9.2018 under Sections 22, 29 of NDPS Act Police Station City South Moga in which the petitioner has been granted the concession of regular bail vide order dated 12.04.2022. Since only one out of 17 prosecution witnesses have been examined, the trial is not likely to be concluded in near future and, therefore, the petitioner prays for the grant of regular bail.

The Counsel for the State on the other hand contends that the petitioner undoubtedly is similarly situated to Gurpreet Singh his co-accused but the petitioner did not deserve the concession of regular bail as he had been declared a proclaimed offender vide order dated 6.4.2019 and had only been arrested at later stage in June 2021. He further contends that the petitioner is also involved in another case, though he has been granted the concession of regular bail in that case.

I have heard learned Counsel for both the parties at length.

Admittedly, the petitioner is named on the basis of the disclosure statement of his co-accused and no recovery has been effected from him. It would be a matter of adjudication during the trial as to the evidentiary value of such a disclosure statement. Co-accused of the petitioner has been granted the concession of bail vide orders Annexure P-2 & P-3. The petitioner is in custody since 18.06.2021 and only one out of 17 prosecution witnesses have been examined so far. In this view of the matter the trial in the present case is not likely to be concluded in near future. Therefore, the further incarceration of the petitioner is not required.

Thus, without commenting on the merits of the case, the petitioner-**NaveenKumar @ Happy** son of Sh. Suraj Bhan is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate,

concerned.

The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that he is not involved in any other crime other than the cases mentioned in this order.

In addition, the petitioner shall prepare FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 08, 2022

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