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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35049-2021 (O&M)
Decided on: January 31, 2022

Ranjeet Singh

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rajnikant Upadhyay, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

(Through Video Conferencing)

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of Cr.PC seeking for grant of regular bail in case FIR No.65 dated 28.04.2021, under Sections 22 and 29 of the NDPS Act, registered at Police Station City Sangrur, District Sangrur, Punjab.

Learned counsel for the petitioner has submitted that the petitioner is in custody, since 29.04.2021 and the investigation of the case is complete and the challan has been presented in the present case. He submitted that it is a case where the name of the petitioner was nominated only on the basis of disclosure statement of another co-accused, namely, Hardeep Singh. He further submitted that the aforesaid Hardeep Singh has also been named in the FIR but the alleged recovery has been effected from another co-accused Sandeep Kumar. He further submitted that so far as the present petitioner is concerned the aforesaid Hardeep Singh had made disclosure statement pertaining to two persons, namely, Ranjeet Singh (Petitioner) and another person, namely,

Balaur Singh. He further submitted that the aforesaid Balaur Singh has been granted bail by this Court and the petitioner Ranjeet Singh is similarly situated with the aforesaid Balaur Singh. He also submitted that the petitioner is not involved in another case and is at parity with aforesaid Balaur Singh and even otherwise also his name has been nominated purely on the basis of disclosure statement which is inadmissible in evidence *per se* and there is no sufficient evidence available *qua* the present petitioner to connect him with the alleged offence apart from the disclosure statement. He relied upon the judgment of the Hon'ble Supreme Court in “Tofan Singh Vs. State of Tamil Nadu”, **2021(1) RCR (Criminal) 1**.

On the other hand, Mr. Randhir Singh Thind, DAG, Punjab, has submitted that it is correct that the petitioner- Ranjeet Singh is in custody, since 29.04.2021 and no recovery has been effected from him. He further submitted that after completion of investigation, Challan against the petitioner has already been presented. He also submitted that it is correct that petitioner is not involved in another case and he has further submitted that in other two cases pertaining to other co-accused, the I.O. is also present in the Court through Video Conferencing and he has sought the aforesaid instructions from him.

I have heard the learned counsel for the parties.

The petitioner is stated to be at parity with the other co-accused Balaur Singh, who has been granted bail by this Court. The total confiscated quantity in the present case was 850 tablets of *Tramadol* which was allegedly recovered from co-accused Sandeep Singh and one another co-accused Hardeep Singh had made disclosure statement pertaining to the present

petitioner and another person, namely, Balaur Singh. There is nothing on record at this stage which shows that the petitioner Ranjeet Singh was connected in the present case apart from the disclosure statement.

This Court does not wish to make any observation with regard to the merits of the case. This Court would certainly consider the effect of Section 37 of the NDPS Act in the present case. In the present case the State has not been able to bring out any sufficient material apart from the disclosure statement of other co-accused, namely, Hardeep Singh and it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice. Therefore, at this stage the rigors of Section 37 of the NDPS Act will not apply to the petitioner and this Court is *prima facie* satisfied that at this stage, there is reason to believe that the petitioner is not guilty of offence particularly when no recovery has been effected from the petitioner as well.

In view of above, considering the totality of circumstances, this Court deems it fit and proper to grant regular bail to the petitioner. Accordingly, the present petition is allowed. Petitioner-Ranjeet Singh shall be released on bail subject to the appropriate terms and conditions to the satisfaction of the trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

31.01.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |