

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

104+216

**CRM-44159-2022 in/and
CRM-M-36712-2022
Date of decision: 29.11.2022**

Sucha Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rakesh Kumar, Advocate
for the petitioner.

Ms. Jasleen Kaur Sidhu, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-44159-2022

For the reasons mentioned in the application, the same is allowed and copy of order dated 11.10.2022 granting bail to the co-accused is taken on record as Annexure P-5.

CRM-M-36712-2022

This is the third petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.01 dated 09.01.2019 under Sections 21/29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Sadar Nakodar, District Jalandhar.

Learned counsel appearing for the petitioner submits that vide order dated 05.10.2020 (Annexure P-2), the petitioner had been extended the concession of bail by this Court, however on 21.12.2021, the petitioner failed to appear before the Trial Court as he was unwell; even though an application in the said regard was moved before the

Court concerned, however, the same was dismissed and subsequently he was declared a proclaimed offender on 03.03.2022, and arrested soon thereafter on 04.05.2022. On merits, learned counsel submits that the petitioner has been falsely implicated in the case in hand on the basis of an alleged disclosure statement made by the co-accused from whom the recovery of 3.7 kgs. of heroin was effected. He submits that the disclosure statement on the basis of which the petitioner was nominated as an accused in the case in hand admittedly is a weak piece of evidence. Learned counsel further submits that the petitioner has been in custody ever since he surrendered before the Court below on 04.05.2022. Learned counsel also submits that the petitioner is not involved in any other criminal case of similar nature and admittedly no recovery of any narcotic substance was effected from him even after the alleged disclosure statement made by the co-accused. It has been submitted that the trial is unlikely to conclude in the near future as 15 prosecution witnesses remain to be examined. Learned counsel still further submits that the petitioner is ready to abide by any stringent conditions as may be imposed upon him by this Court.

Per contra, learned State counsel, while opposing the prayer of the learned counsel for the petitioner, has not been able to controvert the factual aspect of the submissions made by the counsel for the petitioner. She submits on instructions that the petitioner is not involved in any other case under the NDPS Act and had been nominated as an accused only on the basis of disclosure statement of the co-accused. She has also not disputed the submissions made by the counsel opposite that no contraband was recovered from the petitioner

after the alleged disclosure statement made by the co-accused. She, however, submits that the petitioner had absented himself on one date before the Trial Court as a result of which PO proceedings were initiated and he was declared a proclaimed offender. Learned State counsel on instructions has also not disputed that as many as 15 prosecution witnesses remain to be examined.

I have heard learned counsel for the parties and perused the material placed on record.

The trial is unlikely to conclude in the near future. In the facts and circumstances, this Court deems it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is allowed. The petitioner be admitted to bail subject to such conditions as the Trial Court may deem appropriate to impose to ensure the presence and participation of the petitioner during trial. Upon being admitted to bail, the petitioner shall abide by the following conditions:-

- (1) He shall not leave the city of Jalandhar without the express permission of the Trial Court;
- (2) He shall get his presence recorded in the Police Station nearest to his residence on every Monday.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

29.11.2022

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(MANJARI NEHRU KAUL)
JUDGE

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