

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

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**CRM-M-1556-2023
Date of decision: 17.01.2023**

Krishna @ Krishan Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.P.S. Khaira, Advocate
for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.131 dated 19.05.2022 lodged under Sections 22, 27A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Patran, District Patiala.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the case in hand and in fact is not even remotely connected with the recovery of 17500 tablets of tramadol which were allegedly recovered from co-accused Bikkar Singh and Bhupinder Singh, who were named in the secret information received by the police. Learned counsel submits that the petitioner was nominated as an accused pursuant to the disclosure statement made by the aforementioned two accused and it cannot be disputed that the evidentiary value of such disclosure statement is of weak nature. He submits that the petitioner has been in custody since 27.07.2022 and

there is no likelihood of the trial concluding in the near future as only challan stands presented. Learned counsel submits that in the circumstances moreso when investigation is complete, further incarceration of the petitioner would serve no useful purpose.

Per contra, learned counsel appearing for the State has vehemently opposed the prayer and submissions made by the counsel opposite. He submits on instructions that no doubt the petitioner was nominated as an accused on the basis of disclosure statement of the co-accused from whom the alleged recovery of contraband was effected, however, it was the petitioner who had sold the said contraband to the co-accused. He further submits that the petitioner in fact is a man of criminal antecedents as he is involved in another case bearing FIR No.324 dated 28.05.2022 registered under Sections 21C, 22C and 29 of the NDPS Act at Police Station Civil Line Karnal. A prayer has, therefore, been made by the learned State counsel for dismissal of the instant petition in view of the criminal antecedents of the petitioner as well as the huge recovery effected from the co-accused.

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

No doubt, the petitioner was nominated as an accused pursuant to the disclosure statements made by co-accused, however, in their disclosure statements it was categorically stated by them that they had purchased the recovered contraband from the petitioner who admittedly is involved in another case under the NDPS Act. Prima facie, the petitioner seems to be a habitual offender and as such, this Court does not deem it fit to extend the concession of bail to the

petitioner. Accordingly, the instant petition is dismissed.

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.

17.01.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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