

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-4803-2023

Date of Decision: 27.4.2023

Sudagar Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

**CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Ms. Manpreet Ghuman, Advocate  
for the petitioner.

Mr. C.L.Pawar, Addl. AG, Punjab.

\*\*\*\*\*

**KARAMJIT SINGH, J. (Oral)**

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.117 dated 17.5.2022 registered for the offences punishable under Sections 15, 29 of NDPS Act at Police Station Amargarh, District Sangrur.

The allegations in nutshell are that the police effected recovery of 60 kg. of poppy husk from conscious possession of co-accused Gurpreet Singh on 17.5.2022 and thereafter, said Gurpreet Singh disclosed that the aforesaid contraband was meant for the present petitioner and consequently, the present petitioner was named as accused and arrested on 14.12.2022.

Counsel for the petitioner *inter alia* contends that the petitioner is falsely implicated in the present case on the basis of the disclosure statement made by co-accused/Gurpreet Singh; that the veracity and admissibility of the alleged disclosure statement will be tested during trial.

He further submits that in another two cases faced by the petitioner, he is

already enlarged on bail as is evident from the custody certificate furnished by the State counsel. Counsel for the petitioner further submits that no purpose is going to be served by keeping the petitioner in custody for any longer period.

Present petition is resisted by the State counsel who on instructions from ASI Darshan Singh submits that commercial quantity of poppy husk was recovered from co-accused Gurpreet Singh who made disclosure statement against the present petitioner and consequently, the petitioner was arrested on 14.12.2022. However, the State counsel has not disputed the fact that after completion of investigation, challan has been presented by the police but trial is yet to commence and further, the petitioner is granted regular bail in another two criminal cases faced by him under NDPS Act.

I have considered the submissions made by the counsel for the parties.

Admittedly, the petitioner was not named in the FIR which was registered against co-accused Gurpreet Singh from whom the police is stated to have recovered 60 kg. of poppy husk. Name of the petitioner surfaced in the disclosure statement made by aforesaid Gurpreet Singh and consequently, the petitioner was arraigned as accused and arrested on 14.12.2022. The alleged disclosure statement made by co-accused against the present petitioner is subject matter of the trial. Admittedly, trial is yet to commence. Thus, no useful purpose is going to be served by prolonging the judicial custody of the petitioner who is already enlarged in another two cases faced by him under NDPS Act.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

( KARAMJIT SINGH )  
JUDGE

April 27, 2023  
Paritosh Kumar

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |