

203

2023:PHHC:126792

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6080-2023

Date of Decision: 22.09.2023

LOVEPREET BAJAJ @ SACHIN

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Premjit Singh Hundal, Advocate
for the petitioner.

Mr. Ravinder Singh, AAG, Punjab.

VIKAS SURI, J. (ORAL)

[1] This petition filed under Section 439 Cr.P.C. is for seeking regular bail in case FIR No.068 dated 11.06.2022 under Sections 22(c), 15(b) and 18(b) of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Kotkapura, District Faridkot.

[2] The case of the prosecution is that on 11.06.2022, co-accused Ram Kumar Singh and Jagjit Singh were apprehended by the Police on suspicion and recovery of 1 kilogram opium, 25 kilograms poppy-husk and 3100 strips containing total 31,000 tablets, labelled as NRx Tramadol Hydrochloride tablets 100 mg, Clobedol-100 SR tablets with batch bearing ALT2005 was effected from the co-accused which was being carried in a vehicle.

[3] The accused were formally arrested after registration of the FIR in question and during investigation, while in custody

co-accused Jagjit Singh suffered a disclosure statement that he had supplied 20 boxes of intoxicant tablets labelled Tramadol and 25 kgs poppy-husk to co-accused Naib Singh for sale. The said Naib Singh was arrested and recovery of 5 kg poppy husk was effected. Co-accused Naib Singh suffered a disclosure statement that the supply was to be made at the instance of the petitioner to his other associates and he was running drug racket in association with the petitioner. The petitioner was nominated on the basis of the disclosure statement suffered by co-accused Naib Singh. The petitioner was in custody in connection with another case FIR No.105/2022 under Section 25 Arms Act, registered at Police Station Civil Lines Bathinda. The petitioner was got produced on production warrants and was arrested on 16.06.2022. The petitioner has been in custody since then.

[4] Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. The petitioner has been nominated in the present case on the basis of disclosure statement of co-accused Naib Singh, who was nominated on the disclosure statement of co-accused (Jagjit Singh) arrested at the spot and recovery of 5 kg poppy-husk has been effected from Naib Singh. He further submits that the petitioner has no connection with the co-accused and he was confined in Bathinda Jail, in another case FIR. Learned counsel for the petitioner further submits that confessional statement recorded under Section 67 of the NDPS Act is inadmissible in view of the law settled by the Apex Court in *Tofan Singh vs. State of Tamil Nadu*, (2021) 4 SCC 1. No

recovery has been effected from the petitioner and the recovery effected from the co-accused Naib Singh is non-commercial in quantity. It is further submitted that investigation in the present case is complete, *challan* has been presented in Court and petitioner has been in custody in the present case since 16.06.2022. The trial is at the initial stage and may take long time to conclude. No useful purpose would be served by keeping the petitioner behind bars for an indefinite period. It is further submitted that the co-accused Naib Singh has been extended the concession of regular bail by this Court.

[5] *Per contra*, learned State counsel has opposed the present petition while placing on record custody certificate of the petitioner dated 21.09.2023. On the basis of the status report dated 01.05.2023 and the custody certificate filed in Court today, the prayer for grant of regular bail to the petitioner is opposed. It is submitted that the petitioner is involved in other criminal cases, one of them being under the NDPS Act. However, learned State counsel has not been able to refute that out of five cases mentioned in the custody certificate, the petitioner has been acquitted in one of them and is on bail in two others. In the case under the NDPS Act, the petitioner is on anticipatory bail granted by this Court.

[6] Heard learned counsel for the parties and considered the rival contentions advanced by them.

[7] Keeping in view all the circumstances and the fact that the petitioner has been nominated on the basis of disclosure statement; no recovery has been effected from the petitioner; investigation is

complete; *challan* has been presented; petitioner has been in custody since 16.06.2022 in this case; the co-accused on whose disclosure statement the petitioner has been nominated has since been extended the benefit of regular bail; the petitioner has already been granted the concession of anticipatory bail in another case implicating him under the NDPS Act and the trial is likely to take considerable time, the prayer for bail is liable to be allowed. Hence, without commenting upon the merits of the case, the petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bond/sureties to the satisfaction of trial Court/Area Magistrate/Duty Magistrate, concerned.

[8] Accordingly, the present petition stands disposed of.

September 22, 2023
Sangeeta

(VIKAS SURI)
JUDGE

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