

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-9822 of 2023  
Date of Decision:- 13.04.2023

Jaspreet Singh @ Goldy

....Petitioner

Vs.

State of Punjab

....Respondent

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

Present:- Mr. Yashpal Thakur, Advocate for the petitioner.

Mr. Hakam Singh, AAG Punjab.

**KARAMJIT SINGH, J.**

Prayer is for grant for regular bail to the petitioner in case having FIR No.78 dated 09.08.2022, registered under Sections 22, 29, 61, 85 IPC, Police Station Sandaur, District Malerkotla, Punjab.

The allegations in nutshell are that police arrested co-accused Sarfaraz along with 1025 tablets of medical intoxicants on 9.8.2022 and during investigation he named the present petitioner and then present petitioner was nominated as an accused under Section 29 of the NDPS Act. Thereafter, petitioner was arrested on 29.08.2022.

The counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the present case on the basis of alleged disclosure statement made by co-accused Sarfaraz and the said disclosure statement is subject matter of trial. The counsel for the petitioner further submits that petitioner is in custody since 29.08.2022 and no contraband has been recovered from the petitioner during the investigation of the case. The counsel for the petitioner further submits that the investigation has been completed but trial is yet to commence. So prayer is made that the petitioner who is having no criminal history be released on regular bail.

The present petition is contested by the State counsel who submits that the petitioner is nominated as an accused on the basis of disclosure statement made by co-accused Sarfaraz from whom the police recovered 1025 intoxicant tablets. However, the State counsel on instructions from HC Rupinder Singh has not disputed the fact that the petitioner was arrested on 29.08.2022 and during investigation no contraband was recovered from his possession and further after completion of investigation challan has been presented but charges are yet to be framed. The State counsel has admitted that the petitioner is having no criminal history.

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

Admittedly, the petitioner was not named in the FIR which was registered against Sarfaraz from whom police is stated to

have recovered 1025 intoxicant tablets. The petitioner was nominated an accused on the basis of disclosure statement made by said Sarfaraz. The said disclosure statement will be tested during trial. Admittedly, petitioner was arrested on 29.08.2022 and is having no criminal history and during investigation no contraband was recovered from his possession. After completion of investigation, challan has been presented but charges are yet to be framed and even thereafter, it will take considerable time for the trial to terminate.

In the given circumstances, no purpose is going to be served by keeping the petitioner behind the bars for any longer period. Thus, without commenting on the merits of the case the present petition is hereby accepted and the petitioner is ordered to be released on bail subject to furnishing bail and surety bonds to the satisfaction of the Trial Court/CJM/Duty Magistrate concerned.

Disposed of accordingly, so also the pending miscellaneous application(s), if any.

**13.04.2023**

*P. Chawla*

**(KARAMJIT SINGH)**  
**JUDGE**

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