

[216] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22304-2023
Date of Decision : 16.10.2023

Surjit Singh ...Petitioner

versus

State of PunjabRespondent

Coram : HON'BLE MS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Harpreet Maini, Advocate for
Mr. S.S. Maini, Advocate
for the petitioner.

Mr. Mohit Kapoor, Additional Advocate
General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

[1] The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.99 dated 06.05.2022 under Sections 15/16/85 and Section 29 (added later on) of the NDPS Act registered at Police Station, Sadar Ferozepur, District Ferozepur.

[2] Learned counsel for the petitioner *inter alia* submits that a secret information was received by the Police, however, admittedly, the petitioner was not named therein . However, subsequently, the petitioner came to be nominated as an accused on the disclosure statement made by co-accused/Nishan Singh from whom a recovery of 10 qtls. of poppy husk was effected.

[3] Learned counsel for the petitioner submits that the evidentiary value of such disclosure statement on the basis on which he

deserves to be enlarged on bail, more so, since prosecution evidence has not yet concluded and there is no likelihood also of the trial concluding in the near future.

[4] *Per contra*, learned State Counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Balwinder Singh, has submitted that the trial is nearing conclusion, as only 03 prosecution witnesses remained to be examined. It has also been submitted that no doubt, the petitioner was nominated as accused on the basis of a disclosure statement, however, the petitioner was the supplier of the contraband, which was recovered from co-accused/Nishan Singh. It has also been brought to the notice of this Court that the petitioner is a man of criminal antecedents as he is involved in another case under the NDPS Act.

[5] In the facts and circumstances, as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner.

[6] Dismissed.

[7] 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.

(MANJARI NEHRU KAUL)
JUDGE

16.10.2023
'Rajneesh'