

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

109+262

2023:PHHC:127535
CRM-35134-2023 in/and
CRM-M-24103-2023

Date of decision: October 3rd, 2023

Krishna

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Navkiran Singh, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-35134-2023

Prayer in this application is for placing on record orders
Annexures A-1 to A-3.

Application is allowed subject to just exceptions.

Annexures A-1 to A-3 are taken on record.

CRM-M-24103-2023

The petitioner is seeking the concession of bail under
Section 439 of the Code of Criminal Procedure, 1973 in case
FIR No.131 dated 19.05.2022 under Sections 22/27-A/29 of the
NDPS Act, registered at Police Station Patran, District Patiala.

2. Learned counsel for the petitioner submits that the FIR in
question was registered on 19.05.2022 pursuant to a secret information
received qua the co-accused. It has been submitted that the petitioner
was not named in the secret information, however, he came to be
nominated as an accused on the basis of a disclosure statement

allegedly suffered by one of the co-accused, who was nabbed along with 17500 tablets of Tramadol. It has been further submitted that such disclosure statement has very weak evidentiary value. It has also been submitted that since investigation in the case in hand is complete, charges stand framed and even prosecution evidence stands commenced, further incarceration of the petitioner, in the facts and circumstances, would serve no useful purpose.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Baljinder Kumar, has not disputed that secret information had been received qua co-accused and still further, after the petitioner was apprehended on 22.07.2022 pursuant to an alleged disclosure statement, no recovery of any contraband much less of Tramadol was effected from him. He has, however, submitted that in the disclosure statement suffered by the co-accused, it had been stated that the recovered contraband had been supplied to him by the petitioner. It has further been submitted that one prosecution witness out of the 14 cited has been examined and the next date fixed before the trial Court is 13.10.2023 when some more witnesses are likely to be examined.

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

5. The petitioner has been in custody for more than a year having been arrested on 22.07.2022. The trial is unlikely to conclude in the near future as 13 prosecution witnesses still remain to be examined.

6. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the

satisfaction of the trial Court/Duty Magistrate concerned. 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.

7. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

October 3rd, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No