

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

CRM-M No.25238 of 2023
Date of decision: 25th May, 2023

Satpal Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Damanjeet Bhoriwal, Advocate for the petitioner.

Mr. Amit Rana, Sr. Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.81 dated 13.07.2018 under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 25 of the NDPS Act added later on) registered at Police Station City Rampura, District Bathinda.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the case in hand and he is not even remotely connected with the alleged recovery of 24 kgs of Opium effected from the co-accused Kawaldeep Singh and Sanjiv Roshan alias Parmod Giri. He has further submitted that the petitioner was nominated as an accused pursuant to a disclosure statement allegedly made by co-accused Kawaldeep Singh. Learned counsel has argued that the evidentiary value of such disclosure statement is

admittedly of a weak nature. Learned counsel has further submitted that no doubt the recovery was effected from a car bearing registration No.AS01-DE-8797, however, it was a matter of record that the petitioner had sold the above said car to co-accused Kawaldeep Singh. Learned counsel, still further submits that admittedly car bearing No.PB-31U-0623, which the co-accused referred to in his disclosure statement, did belong to him, however, there was no material on record to connect the said car with the alleged recovery of 24 kgs of Opium. Learned counsel has submitted that since investigation is complete in the case in hand and the petitioner has now been in custody since 16.07.2019, his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has submitted that the petitioner was nominated as an accused on the basis of a disclosure statement suffered by co-accused, from whom the recovery of contraband was effected, however, the petitioner was part of a gang which had been involved in the sale and transport of narcotic substances not only in Punjab but also in other parts of the country. He has submitted that the petitioner in fact is a man of criminal antecedents as he is involved in another case bearing No.81 of 2018 under Section 8(b) of the NDPS Act registered at Police Station Rampur, Bihar. A prayer has, therefore been made by the State for dismissal of the instant petition in view of the antecedents of the petitioner as well as the huge

recovery effected from co-accused, who were hand in glove with the petitioner.

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

5. No doubt, the petitioner was nominated as an accused in pursuance to a disclosure statement made by the co-accused, however, in the said disclosure statement it was categorically stated that car bearing No. PB-31U-0623 belonged to the petitioner and was being regularly used to transport Opium from Manipur, which was then supplied in different parts of the State of Punjab. The petitioner admittedly is also involved in another case under the NDPS Act in the State of Bihar. Prima facie, the petitioner seems to be a habitual offender and as such, this Court does not deem it fit to extend the concession of bail to the petitioner. The petition as stands dismissed. 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.

6. Keeping in view that the petitioner has been in custody since 16.07.2019, the trial Court shall make earnest endeavors to conclude the trial expeditiously, preferably within a period of six months from today.

(MANJARI NEHRU KAUL)
JUDGE

May 25, 2023

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No