

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

CRM-M-25648-2023

Reserved on: 21.09.2023

Pronounced on: 25.09.2023

Raj Singh

. . . . Petitioner

Vs.

State of Punjab

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Piyush Sharma, Advocate, for the petitioner.

Mr.M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J.

Prayer in this petition filed under Section 439 CrPC is for granting regular bail to the petitioner in case FIR No.9 dated 09.01.2023 registered at Police Station City-1, Abohar, District Fazilka, under Sections 22/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [for short 'the NDPS Act'].

2. As per prosecution allegations, 1,25,000 intoxicating tablets, which included 1,10,000 tablets of Cypremal 100 SR and 15,000 tablets of Covidol SR, packed in 50 boxes were recovered from co-accused Kulwant Singh s/o Gurmej Singh @ Maija singh; and Lovepreet Singh @ Love son of Balwinder Singh. It is alleged that in his disclosure statement, Kulwant Singh revealed that he had brought the recovered contraband from Bharat Bhai and that the same was to be supplied to petitioner-Raj Singh. On the basis of the said disclosure statement, Bharat Bhai and petitioner-Raj Singh

were nominated in the FIR. Bharat Bhai is absconding. Petitioner was arrested on 15.02.2023.

3. It is contended by ld. counsel that petitioner has been falsely implicated; that no recovery was effected from him; that petitioner has been nominated only on the basis of disclosure statement of co-accused, which is not legally inadmissible; that petitioner is not involved in any other crime and so, in all the circumstances, he be allowed bail, as trial may take long time to conclude.

4. Opposing the bail petition, ld. State counsel submits that as per the status report filed by the police, it was found that petitioner had purchased the contraband from co-accused Bharat Bhai and had paid the amount to him through his bank account from time to time, as per details given in 3(v) of the status report. It is further submitted that as per CDR details, petitioner has been found to be in regular conversation with Bharat Bhai. Ld. State counsel also points out towards the commercial category of contraband as recovered from the co-accused and prays for dismissal of the petition.

5. Replying to the aforesaid contention, ld. counsel for the petitioner submits that amount was being paid to Bharat Bhai being a transporter and not for purchasing the contraband.

6. I have heard both the ld. counsel for the parties and appraised the record.

7. Custody certificate placed on record reveals that petitioner is in custody ever-since 19.02.2023 i.e., for the last more than 7 months. It is further revealed that petitioner has no criminal antecedents. It will be a matter of trial as to whether the amounts transferred in the account of

Bharat Bhai by the petitioner, as disclosed by the police, are connected with the purchase of contraband in any manner whatsoever. For the time being, case of the prosecution is dependent upon the disclosure statement. No recovery was effected from the petitioner nor he was apprehended from the spot. Ld. State counsel has also informed that though challan has been filed but charges are yet to be framed.

8. Having regard to all the facts and circumstances as noted above, but without commenting anything further on merits of the case, petitioner is admitted to regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Allowed.

(DEEPAK GUPTA)
JUDGE

25.09.2023

Vivek

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |