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

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CRM-M-34029-2023

Date of decision : 27.07.2023

Sarabjot Singh @ Raja Bajaj**..... Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. J.S. Dadwal, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

Prayer is for grant of regular bail in FIR No.0184 dated 03.12.2022, registered for the offences punishable under Sections 21, 29 and 61 of NDPS Act at Police Station Division No.3, Ludhaina.

2. Counsel for the petitioner submits that no recovery has been effected from the petitioner and he has been convicted on the basis of disclosure made by one Balbir Singh @ Golu from whom 253 gms heroin was effected. Counsel further submits that there is no antecedents of the petitioner being involved in any other case under NDPS Act. Incarceration of the petitioner is more than 07 months and 15 days, investigation already stands concluded and challan stands presented. Most of the witnesses being official, there is no apprehension that the petitioner shall influence any of the witness.

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3. It has been further averred that in view of law laid down in *Tofan Singh vs. State of Tamil Nadu* reported as (2021) 4 SCC 1, the disclosure statement suffered by co-accused being a weak piece of evidence cannot be read against the petitioner.

4. Per contra, learned State counsel submits that the petitioner has number of criminal cases pending against him under various provisions of IPC and there is another case under NDPS Act registered vide FIR No.118 dated 02.06.2023, registered for the offences punishable under Sections 18, 29, 61 and 85 of the Act and Section 42 of Prison Act, at Police Station Sadar, Nabha.

5. Faced with the situation, counsel for the petitioner submits that even in that case the petitioner has been implicated on the disclosure made by co-accused Amandeep Singh and there cannot be any reason for the petitioner to be involved in the offence as he was in custody on the said date.

6. I have heard counsel for the parties and have gone through the records of the case.

7. Without expressing anything on the merits of the case and keeping in view the incarceration already suffered by the petitioner and the fact the investigation already stands concluded and there is no apprehension that the petitioner can tamper with the evidence, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

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8. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

27.07.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No