

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

237

2023:PHHC:095089

CRM-M-35033-2023

Date of decision: July 26th, 2023

Ramandeep Singh @ Rimmi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

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

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.07 dated 07.01.2023 lodged under Sections 22 and 29 of the NDPS Act and Sections 379 and 411 of the Indian Penal Code, 1860 registered at Police Station Kot Ise Khan, District Moga.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated in the case in hand on the basis of a disclosure statement allegedly suffered by co-accused Kulwinder Singh @ Kindu from whose conscious possession, recovery of 320 loose tablets of Etizolam was effected. She submits that the petitioner has clean antecedents as he is not involved in any other criminal case much less under the NDPS Act. Learned counsel submits that the disclosure statement on the basis of which the petitioner has been nominated as an accused in the case in hand does not have much evidentiary value. It has thus been urged that since the investigation is complete and charges stands framed, his further incarceration would not serve any purpose as now he has been in custody since 09.01.2023.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not been able to dispute that no recovery of any contraband was effected from the petitioner after his arrest on 09.01.2023. It has also not been disputed by the learned State counsel that the petitioner came to be nominated as an accused on the basis of a disclosure statement suffered by Kulwinder Singh @ Kindu. Still further, learned State counsel has not been able to dispute that the petitioner is not involved in any other case under the NDPS Act. He, however, submits that the petitioner had earlier faced trial in two criminal cases under the Indian Penal Code. However, he has since been acquitted in both these cases.

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

The petitioner has been in custody since 09.01.2023 and none of the 12 prosecution witnesses has been examined till now after the charges were framed. The trial shall take considerable time to conclude.

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.

July 26th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No