

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

CRM-M-42068-2021

Date of decision: 07.08.2023

Vijay Singh @ Ghuggi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rahul Sharma, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.25 dated 10.06.2021 under Sections 21/25/29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Mehal Kalan, District Barnala.

2. Learned counsel appearing for the petitioner submits that the petitioner was not named in the secret information which was received by the police party. He submits that the petitioner came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Arshdeep Singh. It has been submitted that such disclosure statement does not have much evidentiary value and lends credence to the petitioner's false implication as he has clean antecedents much less being involved in any case under the NDPS Act. It has still further been submitted that the petitioner's false implication finds further credence from the fact that as per the prosecution version

after the petitioner was arrested on 24.06.2021 a recovery of 380 grams of heroin was effected pursuant to his disclosure statement, however, the FSL report was to the contrary as no ingredient of heroin had been found in the samples which had been sent to it. It has been submitted that identically situated co-accused namely Iqbal Singh @ Babbu, Vishesh Kumar @ Vishesh and Gurdeep Singh @ Manna, who too were nominated as accused pursuant to the disclosure statements made by co-accused Arshdeep Singh, had been extended the concession of regular bail by Coordinate Benches of this Court vide orders dated 14.09.2021 and 11.11.2022. In support, learned counsel has placed on record copies of orders dated 14.09.2021 and 11.11.2022 granting bail to the co-accused.

3. Per contra, learned State counsel while opposing the prayer made by the counsel opposite on instructions has not been able to dispute that the petitioner was not named in the secret information and was nominated as an accused on the basis of a disclosure statement made by co-accused Arshdeep Singh. He, on further instructions, has also not been able to dispute that the petitioner is not involved in any other criminal case much less a case under the NDPS Act.

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

5. The petitioner has now been in custody since 24.06.2021 and after the charges were framed on 16.03.2022, only 03 prosecution witnesses out of the 19 cited, stand examined. He is not shown to be involved in any other criminal case much less under the NDPS Act. In the facts and circumstances as enumerated hereinabove, this Court

deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, 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 add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

07.08.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No