

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

208

CRM-M-38220-2022
DECIDED ON: 15.02.2023

Tarsem Singh

.....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Manpreet Ghuman, Advocate
for Mr. P.S.Sekhon, Advocate, for the petitioner.
Mr. Amit Rana, Sr.DAG, Punjab.

MANJARI NEHRU KAUL, J (ORAL)

The petitioner is seeking concession of regular bail under Section 439 Cr.P.C in case FIR No.131 dated 19.05.2022, under Sections 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'NDPS Act'), registered at Police Station Patran District Patiala.

Learned counsel appearing for the petitioner submits that it is a case of false implication and even the secret information allegedly received by the police was qua co-accused Bikkar Singh and Bhupinder Singh, from whom alleged recovery of 17500 tablets of TRAMWAL-SR-100 (TARAMADOL) was effected. She submits that it was pursuant to alleged disclosure statement made by both co-accused Bikkar Singh and Bhupinder Singh that the petitioner, who has been in custody since 06.07.2022, came to be nominated as an accused wherein they stated that the petitioner had given them money to purchase the intoxicants, and thereafter they were to divide the profits among themselves. Learned counsel submits that the evidentiary value of such disclosure statement on the face of it is of a weak nature. She has also submitted that the petitioner is a man of clean antecedents and not involved in any other case under the NDPS Act which further lends credence to his false implication in the instant case.

Per contra, learned State counsel has not been able to controvert the submissions made by the learned counsel for the petitioner that the petitioner was not apprehended at the spot along with the co-accused from whom the alleged recovery of 17500 tablets of TRAMWAL-SR-100 (TARAMADOL) was effected. He has, on further instructions, conceded that the petitioner was nominated as an accused, pursuant to the disclosure statement made by the apprehended accused and still further the petitioner is not involved in any other case under the NDPS Act.

On a pointed query put to the learned State counsel, he has apprised the Court that charges have been framed and the prosecution evidence is likely to commence on the next date fixed before the trial Court i.e on 16.02.2023.

I have heard the learned counsel for the parties and have gone through the case file very carefully.

There is no likelihood of the trial concluding in the near future as prosecution evidence has not yet commenced. The petitioner who has been in custody since 06.07.2022 is admittedly not involved in any other case under the NDPS Act. Hence, in the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. The petition is allowed and the petitioner is admitted to bail to the satisfaction of Chief Judicial Magistrate / Trial Court / Illaqa Magistrate, concerned.

Nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

15.02.2023
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No