

220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40238-2023

Date of Decision: 22.08.2023

Nanak Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Ms. Amarjot Kaur, Advocate
for Mr. Brijeshwar Singh Bhalla, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.87 dated 06.05.2023 registered under Sections 21-C, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Chheharta, District Amritsar.

As per the case of the prosecution, Akashdeep and Jobanjit were arrested at the spot and heroin weighing 200 grams was recovered from each of them. During the course of investigation, both of them had suffered disclosure statements that they had brought the heroin from Amardeep Singh son of Balwinder Singh. On the basis of the said disclosure statement, Amardeep Singh was nominated as an accused in the present case and was arrested on 06.05.2023. Later on, as per the prosecution, Amardeep Singh suffered a disclosure statement that he was introduced with Tanveer, resident of Pakistan by the present petitioner.

Learned counsel for the petitioner contends that the petitioner was not named in the present FIR and except the disclosure statement suffered by Amardeep Singh, there is no other evidence against the present petitioner. Learned counsel further contends that even the prosecution could not establish his telephonic contact with any Pakistani National and has been falsely involved in the present case. She further contends that the petitioner has no criminal antecedents and no recovery has been effected from him. As per learned counsel, the petitioner is in custody since 18.05.2023 and the challan is yet to be filed against him. Thus, further custody of the petitioner will serve no meaningful purpose.

On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner had introduced Amardeep Singh with Tanveer, resident of Pakistan and has connections with international smugglers. However, the prosecution has not been able to substantiate the said argument with any incriminating evidence against the petitioner.

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

It is not in dispute that the petitioner was arrested in the present case on 18.05.2023 and the investigation is almost complete in all, respect, in the present case. However, till date, except the disclosure statement suffered by co-accused Amardeep Singh, no other evidence has been collected against the present petitioner. Even the FSL report has not been received so far, with regard to the alleged recovery from his co-accused. In the present case, even

after associating the petitioner in the investigation, no recovery was effected from him. Thus, further custody of the petitioner will serve no meaningful purpose.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

22.08.2023
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(N.S.SHEKHAWAT)
JUDGE

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