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2023:PHHC: 150136

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARHCRM-M-44613-2023
Date of decision: 24.11.2023

NARPAT SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Karandeep S. Sidhu, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.83 dated 28.06.2023 under Sections 22(c)/29 of NDPS Act, 1985 registered at Police Station Khuian Sarwar, District Fazilka.

2. Learned counsel for the petitioner *inter alia* contends that a false case has been foisted upon the petitioner and that too on the basis of a disclosure statement allegedly suffered by co-accused Sunil Singh from whom recovery of 4400 tablets of Tramadol Hydrochloride-1000 mg was effected.

3. Learned counsel submits that his false implication in the case in hand finds further credence from the fact that he has clean antecedents and is not involved in any other criminal case, much less under the NDPS Act.

4. It has also been submitted that the evidentiary value of the disclosure statement on the basis of which, he has been arrayed as an accused is very weak.

5. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has not

disputed that the petitioner has been nominated as an accused, on the basis of

disclosure statement allegedly suffered by co-accused Sunil Singh and further, the petitioner is not involved in any other criminal case, much less under the NDPS Act.

6. On a pointed query put to the learned State counsel as to the status of the trial, it has been submitted that after the investigation was completed the challan was presented on 12.10.2023 and the next date before the trial Court is 04.12.2023, when the charges are likely to be framed.

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

8. The petitioner has been in custody since 30.06.2023. It has not been disputed by the State counsel, on instructions that no recovery of any contraband was effected from the petitioner, when he was arrested on 30.06.2023, pursuant to his nomination as an accused in the disclosure statement allegedly made by co-accused-Sunil Singh. Challan stands presented, however, charges have not been framed yet. Hence, there is no likelihood of the trial concluding in the near future.

9. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

10. 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.

11. 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.

24.11.2023

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(MANJARI NEHRU KAUL)
JUDGE

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