

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224

CRM-M-49244-2023

Date of decision: 04.10.2023

Arshdeep Singh @ Arsh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, 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.68 dated 10.06.2023 under Sections 307/120-B/34 of the IPC and Section 25 of the Arms Act, 1959 [Sections 21/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') added lateron vide DDR No.17 dated 15.06.2023] registered at Police Station Khilchian, Amritsar Rural.

2. Learned counsel for the petitioner inter alia contends that initially the FIR was registered under Sections 307/120-B/34 of the IPC and Section 25 of the Arms Act against Babaljit Singh @ Bobby and Manna. Subsequently, after 05 days a DDR was recorded wherein offences under Sections 21/29 of the NDPS Act were added. Learned counsel submits that the petitioner had been nominated as an accused on the basis of an alleged second disclosure statement made by co-accused Sarabjit Singh, who too had been nominated as an accused on

the basis of a disclosure statement made by Jugraj Singh from whom recovery of 290 grams of heroin was effected. Learned counsel submits that such disclosure statement has very weak evidentiary value and it needs to be appreciated in the light of the petitioner not being involved in any other case under the NDPS Act. Learned counsel has further submitted that since investigation in the case in hand is complete as challan stands presented, further incarceration of the petitioner would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Rajwinder Singh, has not been able to controvert the submissions made by the counsel opposite that no recovery of any contraband much less heroin was effected from the petitioner upon his arrest on 03.08.2023. It has also not been disputed by the learned State counsel that the petitioner came into the picture on the basis of an alleged disclosure statement made by co-accused Sarabjit Singh. Learned State counsel has still further not disputed that the petitioner is not involved in any other 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 been in custody since 03.08.2023. Challan stands presented. As many as 30 witnesses have been cited by the prosecution, hence, trial would take considerable time to conclude. 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

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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.

04.10.2023
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(MANJARI NEHRU KAUL)
JUDGE

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