

2023:PHHC:073768

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No. 230

CRM-M-55230-2022
Date of Decision-19.05.2023

SURJIT SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Vivek K. Thakur, Advocate for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. Prayer is for grant of regular bail to the petitioner in case FIR No.205 dated 17.06.2022 registered under Sections 21/29 of NDPS Act, 1985 and Section 177 of IPC, Police Station Dera Bassi, District SAS Nagar, Mohali.
2. The allegations in nutshell are that on 17.06.2022, police apprehended co-accused Soma along with 1.5 kg of Heroin and she made disclosure statement that the said contraband was handed over to her by petitioner Surjit Singh. Consequently, the petitioner Surjit Singh was arrested.
3. Counsel for the petitioner inter alia submits that the petitioner has been falsely implicated in the present case on the basis of alleged disclosure statement made by co-accused Soma from whom the police had recovered 1.5 kg of Heroin. Counsel for the petitioner further submits that the said disclosure statement will be tested during trial and that the petitioner is in custody for the last about 10 months and during investigation, no contraband was recovered from possession of the petitioner. The counsel for the petitioner further submits that the trial has not progressed ahead and thus, prayer is made for releasing the petitioner on bail.

4. The present petition is contested by learned State counsel who submits that the petitioner was nominated as accused on the basis of disclosure statement made by co-accused Soma from whom the police had recovered 1.5 kg of Heroin. However the State counsel has not disputed the fact that the petitioner is in custody for the last more than 9 months and is having no criminal history and till date, the prosecution has failed to examine any witness and the trial is at its initial stage.

5. I have considered the submissions made by counsel for the parties.

6. Admittedly, the petitioner was not named in the FIR which was registered against co-accused Soma from whom the police is stated to have recovered 1.5 kg of Heroin. The petitioner was nominated as accused on the basis of disclosure statement made by co-accused Soma. The veracity and admissibility of the said disclosure statement is subject matter of trial. The petitioner was arrested in the present case on 24.07.2022 and is in custody for the last about 10 months and is having no criminal antecedents and the trial is at its initial stage and further during investigation, no contraband was recovered from possession of the petitioner.

7. In light of the above, no purpose is going to be served by prolonging the judicial custody of the petitioner.

8. Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

19.05.2023
yogesh

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No