

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-56340-2022

Date of Decision: 3.5.2023

Gurpreet Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Kanwar Inder Singh, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.81 dated 23.6.2022 registered for the offences punishable under Sections 22, 29 of NDPS Act at Police Station Sadar, Ahmedgarh.

2. The allegations in nutshell are that on 23.6.2022, co-accused Rulda Singh was arrested by the police along with 400 tablets of Buprenorphine. Said Rulda Singh made disclosure statement against the present petitioner that he procured the aforesaid medical intoxicants from the present petitioner and consequently, the petitioner was named as accused and arrested on 23.9.2022.

3. Counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and veracity and evidentiary value of the alleged disclosure statement made by co-accused Rulda Singh will be tested during trial. He further submits that the petitioner is in

custody for the last more than 6 months and is having no criminal history and during investigation of this case, no contraband was recovered from possession of the petitioner. He further submits that the trial is at its initial stage and thus, no purpose is going to be served by prolonging judicial custody of the petitioner.

4. Present petition is resisted by the State counsel who on instructions from ASI Narinder Kumar submits that the petitioner was named as accused on the basis of the disclosure statement made by co-accused Rulda Singh from whom the police recovered 400 tablets of Buprenorphine on 23.6.2022 and thereafter, the petitioner was arrested on 29.9.2022. However, the State counsel has not disputed the fact that during investigation of the case, no contraband was recovered at the instance of the petitioner who is having no criminal history. He has not disputed the fact that presently, the petitioner is lodged in judicial custody and is not required by the police for any further investigation.

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

6. Admittedly, FIR was registered against Rulda Singh from whom the police recovered commercial quantity of medical intoxicants on 23.6.2022 and the petitioner was named as accused on the basis of the alleged disclosure statement made by said Rulda Singh. Veracity and relevance of the said disclosure statement will be considered during trial. The petitioner is in custody for the last more than 6 months who is having no criminal history. During investigation, no incriminating article or contraband was recovered from custody of the petitioner. It will take considerable time for conclusion of trial. Thus, no useful purpose is going to

be served by keeping the petitioner in custody for any further period.

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

(KARAMJIT SINGH)
JUDGE

May 3, 2023
Paritosh Kumar

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