

S. No.234

2023:PHHC:155002

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

CRM-M-60089 of 2023

Date of Decision:05.12.2023

Jatinder Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

**Present:- Mr. Sangra S. Saron, Advocate with Mr. Madhavrao B. Rajwade,
Advocate for the petitioner.**

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail in case FIR No.56 dated 11.05.2023 registered at Police Station City Nawanshahr under Section 18 of Narcotic Drugs and Psychotropic Substances Act, (for short, 'the NDPS Act') (final report/ challan under Section 173 Cr.P.C dated 07.09.2023 stands presented under Sections 18 and 29 (Act No.61 of 1985) of the NDPS Act.

As per allegations, 8 kg of opium was recovered from co-accused Birsa Purti, who in his disclosure statement nominated the petitioner to the effect that he (Birsa Purti) had purchased the contraband from Jharkhand on the asking of the petitioner.

Learned counsel contends that the petitioner has been falsely implicated simply on the basis of disclosure statement of the co-accused which is inadmissible; that the petitioner has no criminal antecedents regarding any case pertaining to the NDPS Act. He is in custody for the last more than six months, so he be allowed bail.

Notice of motion.

Mr. M.S. Nagra, AAG, Punjab, accepts notice on behalf of the respondent- State.

Learned State Counsel could not refute the afore-said contentions. It is conceded that petitioner has been nominated under Section 29 (Act No.61 of 1985) of NDPS Act only.

As per the custody certificate, the petitioner is in custody since last 06 months and 20 days. He is not involved in any other case pertaining to the NDPS Act.

Having regard to the afore-said facts and circumstances of the case, but without commenting anything on the merits of the present case, petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned.

December 05, 2023

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Whether Speaking/reasoned

Whether Reportable

(DEEPAK GUPTA)

JUDGE

Yes/No

Yes/No