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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 63250 of 2023

Decided on :- 20.12.2023

KARAMJIT SINGH @ SAHIL

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Brijeshwar Singh Bhalla, Advocate
for the petitioner.

Mr. Aditya Kapoor, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
135	20.07.2023	21, 22 of NDPS Act (29 NDPS Act added lateron)	City South, District Moga

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits alleged recovery of 5 gram of heroin, 50 tablets of Etizolam effected

from co-accused Kirandeep Kaur, 40 tablets of Etizolam effected from Jasvir Kaur and 40 tablets of Etizolam from co-accused Baljit Singh alias Mintu. He submits that petitioner was nominated on the disclosure statement made by co-accused and no recovery has been effected from him. He submits that the petitioner is in custody since 18.09.2023, challan in the case has yet to be presented, as such he prayed for grant of concession of bail.

3. Per contra, learned State counsel has opposed the bail application by arguing that considering the nature and gravity of the offence, he is not entitled for grant of regular bail. Learned State counsel has admitted that the petitioner was nominated on the disclosure statement made by the co-accused and no recovery has been effected from the petitioner.

4. Considering the rival contentions and perusing the record, it transpires that contraband/intoxicants were recovered from the co-accused and petitioner was nominated on the basis of disclosure statement made by the co-accused and no recovery has been effected from the petitioner. Petitioner is in custody since 18.09.2023 and disclosure statement which has no evidentiary value in the eyes of law and the conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner and no useful purpose would be served by detaining the petitioner any longer in custody.

5. Consequently, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the

satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

20.12.2023

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No