



In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-443-2024 (O&M)
Date of Decision: 29.7.2024

Shokin ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kanishk Sarup, Advocate,
for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

FIR No.	Dated	Police Station	Section/s
101	21.4.2023	Civil Lines, Bathinda	22 (c) of Narcotic Drugs and Psychotropic Substances Act, wherein offence under Sections 27 and 29 of NDPS Act were added later on

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The case of the prosecution, in nutshell, is that on 21.4.2023 Lavdeep Singh and Jaspreet Singh @ Jas were apprehended by the police and from whose possession, 76 vials of Codeine Phosphate and 760 tablets of Carisoma were recovered. It is further the case of prosecution that during the course of interrogation, they disclosed that the aforesaid contraband had been procured by them from the present petitioner.



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(2)

3. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and that he has been nominated on the basis of a disclosure statement made by co-accused, the veracity and admissibility of which would be debatable. It has further been submitted that no recovery whatsoever was ever effected from the petitioner, when he was arrested.
4. Opposing the petition, learned State counsel submitted that during the course of investigation, it has surfaced that co-accused Lavdeep Singh had transferred an amount of Rs.25,000/- to the bank account of the petitioner and which would clearly show the complicity of the petitioner inasmuch as the same indicates transaction between the petitioner and the co-accused. It has further been submitted that the petitioner happens to be involved in one more case under NDPS Act. It has been informed that investigation already stands concluded and charges have been framed.
5. This Court has considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner was not apprehended at the spot when the co-accused were apprehended from whom recovery had been effected. The petitioner came to be nominated on the basis of a disclosure statement. When the petitioner was apprehended by the police, he was not found in possession of any contraband. The question as to whether the transfer of an amount of Rs.25,000/- by the co-accused to the bank account of the petitioner can be construed as a transfer of drug money would be debatable. In any case, since the investigation has concluded and petitioner has otherwise remained on *interim* bail since the last about 6 months and there is nothing on record to



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indicate that he has ever misused the concession of bail, he deserves the concession of bail.

7. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.7.2024

Geeta

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No