

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

CRM-M-1032-2024
Decided on : 15.01.2024

Jaspal Singh @ Ghugi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vinod K. Kaushal, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. AG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. Instant petition has been filed by the petitioner seeking concession of regular bail in case FIR No.177 dated 24.09.2023 under Section 21 of NDPS Act (Sections 29, 61 and 85 of NDPS Act, 1985 added later on) registered at Police Station Lopoke District Amritsar Rural, Amritsar.

2. Learned counsel for the petitioner *inter alia* contends that a false and fabricated case has been planted upon the petitioner and that too on the disclosure statement allegedly suffered by co-accused Ranjit Singh from whom recovery of 245 grams of heroin was effected. Learned counsel submits that the evidentiary value of such disclosure statement is of weak nature and on this ground alone, the petitioner deserves to be enlarged on bail.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has not disputed that the petitioner was nominated as an accused on the basis of disclosure statement allegedly suffered by co-accused Ranjit Singh. However, learned State counsel has informed the Court that on being arrested on 13.10.2023, pursuant to the disclosure statement made by the petitioner he got recovered 50 grams of heroin, which left no manner of doubt about his involvement in the sale and purchase of contraband. Learned State counsel has further submitted that the petitioner is a habitual offender as he is involved in another case under the NDPS Act and when the crime in question was committed, he was on bail in that case. It has still further been submitted that the investigation in the case in hand is still underway and in case, the petitioner is enlarged on bail, there is every likelihood that he could either abscond or be involved in some other case under the NDPS Act.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. *Prima facie*, the petitioner comes across as a habitual offender; the investigation in the case in hand is still underway as challan has not been presented.

6. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition stands dismissed.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

15.01.2024
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(MANJARI NEHRU KAUL)
JUDGE

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