

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2674-2024 (O&M)
Date of decision : January 24, 2024

Harnek Singh
..... Petitioner
Versus
State of Punjab
..... Respondents

CORAM : HON'BLE MR. JUSTICE KARAMJIT SINGH

Present :-Mr. Ranjeet Singh, Advocate
for the petitioner.
Mr. Gurdarshan Singh Sidhu, AAG., Punjab.

KARAMJIT SINGH, J. (ORAL)

1. Present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 78 dated 04.07.2022 registered under Sections 18, 29,61,85 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Kulgarhi Ferozepur.
2. The allegations in nutshell are that the police effected recovery of 2 kg.600 grams of opium from the co-accused Sukhmanjit Singh on 04.07.2022 and thereafter the petitioner was nominated as an accused on the basis of disclosure statement of Sukhmanjit Singh as per which Sukhmanjit Singh was indulging into drug trafficking on behalf of the petitioner. Thereafter the petitioner was arrested on 08.09.2023.
3. The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and no contraband was recovered from

will be tested during trial and that the petitioner is in custody for the last more than four months and he is enlarged on bail in one another criminal case registered against him and that it will take considerable time for the trial to conclude even after the submission of challan so prayer is made that the petitioner be released on regular bail.

4. The present petition is resisted by the State counsel who submits that commercial quantity of opium was recovered from co-accused Sukhmanjit Singh by the police and during investigation said Sukhmanjit Singh disclosed that he was working and indulged in drug trafficking at the instance of the present petitioner and accordingly the petitioner was nominated as an accused and arrested on 08.09.2023. That, however, supplementary challan is yet to be presented against the petitioner by the police. The State counsel on instructions from ASI Gurmail Singh has not disputed the fact that presently the petitioner is lodged in judicial custody and during investigation no contraband was recovered from the petitioner.

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

6. Admittedly, the petitioner was not named in the FIR which was registered against Sukhmanjit Singh from whom the police allegedly recovered 2 kg 600 grams of opium. The petitioner was nominated as an accused on the basis of disclosure statement made by aforesaid co-accused and the relevance and admissibility of the said disclosure statement is subject matter of trial. Admittedly, no contraband has been recovered from the petitioner in the present case and at present petitioner is alleged to be in judicial custody. As per the counsel for the petitioner the petitioner is involved in one another criminal case in NDPS Act wherein he is enlarged on bail.

7. Admittedly, it will take considerable time for the trial to conclude even after the presentation of supplementary challan so no purpose is going to be served by prolonging the judicial custody of the petitioner.
8. In the light of the above, without commenting on the merits of the case, present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

January 24, 2024
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(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable :	No