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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-5411-2024
Date of decision:-20.11.2024

RANJIT SINGH @ SONU

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Karandip S.Sidhu, Advocate for the petitioner.
Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed custody certificate dated 19.11.2024 the same is taken on record. Copy thereof, has been supplied to the counsel opposite.

2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular in the following case (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
102	28.07.2023	21/23/28/29/30 of NDPS Act.	Sadar Jalalabad, District Fazilka

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and is in custody since 29.07.2023. He contends that no recovery has been



effected from the petitioner and he has been nominated on the basis of disclosure statement of accused Vikram Singh from whom recovery of contraband has been effected and the petitioner has no concern with him. He contends that after completion of investigation, challan has already been presented in Court, as such the petitioner is not required for further custody. Hence, he prays for grant of regular bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has assailed these argument by submitting that the petitioner has been nominated on the basis of the disclosure statement of co-accused Vikram Singh and no recovery has been effected from him in the present case but he is involved in one more case under NDPS Act, as such he is not entitled for concession of bail.

6. After considering the rival contentions and perusing the record, it transpires that as per the case of the prosecution, the police had arrested Vikram Singh and Davinder Singh on 28.07.2023 and Surjit Singh on 29.07.2023 and 1 kg heroin was recovered from said Vikram Singh. During course of investigation he made disclosure statement naming one Harpreet Singh @ Happy and the present petitioner as purchaser of part of contraband. Said Harpreet Singh @ Happy was also arrested by the police but no recovery has been effected from him. Similarly the present petitioner was arrested on 29.07.2023 but no recovery of any incriminating article was effected from him. Although the petitioner is having one more case registered against him but he is on bail therein. Admittedly after completion of investigation challan has already been presented in court wherein the



prosecution has cited 13 witnesses and as on date charges have not been framed, therefore, the completion of trial to ascertain criminal liability, if any of the petitioner in the present case, will take sufficient long time. Considering the aforesaid circumstances, especially when no recovery of contraband has been effected from the petitioner and he is in custody since 29.07.2023 no purpose would be served by detaining petitioner in custody any longer.

7. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served by 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.

8. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

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

(SANJIV BERRY)
JUDGE

20.11.2024

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