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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-8107-2024 (O&M)
Date of Decision:- 15.04.2024

GURLAL SINGH

Versus

...Petitioner(s)

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. J.S. Moudgill, Advocate for the petitioner.
Mr. Japjot Singh, 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
67	21.05.2022	22, 25, 27-A and 29 of the NDPS Act; 25 of the Arms Act,	Sultanwind, District Amritsar

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case on the basis of disclosure statement made by co-accused Princejit Singh, from whom commercial quantity of contraband had been recovered, which has no evidentiary value in the eyes of law. He submits that the petitioner was

arrested in this case on 20.11.2023 and no recovery whatsoever was effected from him nor he has any concern with the alleged transaction. He further submits that the petitioner is languishing in jail since long although challan has already been presented in Court. He thus prays for grant of regular bail to the petitioner.

3. On the other hand, learned State counsel while referring to the reply submitted by the State has assailed the arguments advanced by learned counsel for the petitioner and opposed the grant of bail to the petitioner by stating that the petitioner had been nominated in the disclosure statement made by co-accused Princejit Singh, alleging petitioner to be actively involved in drug peddling. He submits that the petitioner is facing one more criminal case, however, he is on bail therein. He has however admitted that no recovery was effected from the petitioner.

4. Heard.

5. After considering the respective submissions and perusing the record, it transpires that the police had arrested one Princejit Singh in the instant FIR from whom recovery of narcotics, falling in the category of commercial quantity, was effected. During his interrogation, he made a disclosure statement naming the petitioner to be involved with him in drug peddling. Consequently, the petitioner was arrested in this case on 20.11.2023, however, nothing was recovered from him during interrogation. After completion of investigation, challan has been presented in Court and charges stand framed. The prosecution has cited 13 witnesses out of which none has been examined as of now.

6. Admittedly, no recovery has been effected from the petitioner in this case and challan having been presented, the prosecution has to examine 13 witnesses and none has been examined so far. It will take sufficient time for the prosecution to conclude the evidence to ascertain the criminal liability, if any, of the petitioner and no purpose would be served by detaining the petitioner in custody any longer.
7. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate 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.
10. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

15.04.2024

S.Sharma(syr)

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