

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

**CRM-M No.7769 of 2024
Date of decision : 20.02.2024**

Ravi Singh @ Ajay

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Bikramjeet Singh Jatana, Advocate
for the petitioner.

Mr. Harish Mehla, AAG Punjab.

PANKAJ JAIN, J. (ORAL)

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.0063 dated 10.04.2023 registered under Section 21 of the NDPS Act, 1985 and Section 29 of the NDPS Act (added lateron) at Police Station Samana, District Patiala (Annexure P-1).

2 Learned counsel for the petitioner submits that the present FIR came into being on the basis of secret information against Sandeep and Vipran. The Police raided and apprehended Vipran along with 1 Kg of Heroin. Sandeep managed to flee. Vipran remained in police custody till 16.04.2023. He never disclosed the name of any other co-accused including that of the petitioner. Another FIR No.113 came into being on 24.08.2023 on the basis of secret information against 4 accused including the present petitioner and Sampy Singh, Baljit Singh @ Buntu and Ravi Singh son of Meeta Singh. They are alleged to have been found to be in possession of 500 gms of Heroin. Learned counsel for the

petitioner further submits that now after the petitioner has been arrested in FIR No.113, he is being nominated on the basis of disclosure made by Sampy Singh, his co-accused in FIR No.0063 dated 10.04.2023. The disclosure statement of Sampy Singh has been placed on record as Annexure P-4 which reads as under:-

“In the presence of below mentioned witnesses accused Sampy Singh son of Paramjit Singh resident of Village Tarkhan Majra, Police Station Sadar Samana, District Patiala during interrogation disclosed that, "on 10.04.2023 he alongwith Ravi Singh @ Ajay son of Bharpur Singh resident of Village Samundgarh Chhanna went on white colored Verna Car bearing No.PB-34B- 1100 of Ravi to Samana side for taking 1 Kilogram white Heroin from Vipin Kumar son of Raj Kumar resident of Krishna Basti, Patran and Sandeep Sharma son of Tarsem Lal, Resident of Maleria Mohalla, Near Machhi Hatta, Samana. When we were on Verna car and reached near Bus Stand of village Prem Singh Wala then in the lights of our Verna car we both have seen car bearing No.HR-BD-4745 make Volkswagen of Vipin Kumar and Sandeep Kumar. As police party was standing near them, so we got suspicion that Vipin Kumar and Sandeep Kumar above have been apprehended alongwith Heroin (Chitta). We took the benefit of darkness and turn back our car from the spot and reached Bhawanigarh through villages. Then later on we came to know that Sandeep Kumar ran away from the spot taking benefit of darkness. This disclosure statement of them has been written. After taking the signatures of above said accused on the memo of disclosure statement, the signatures of witnesses are being taken.

Accused: 1. Sampy Singh above, Sd/- Sampy Singh,

2. Ravi Singh @ Ajay above, Sd/- Ravi

Singh,”

3 He thus submits that even if the disclosure statement of Sampy Singh is taken on its face value, the same would not constitute any of the offence under the NDPS Act and thus it is a case of false implication.

4 Learned State counsel is not in a position to dispute the abovesaid factual assertions based on record. He however, submits that the petitioner is indulging in illegal activities under the NDPS Act and the same is evident from the disclosure made by the co-accused. However, admits that apart from said disclosure made by Sampy Singh on 27.08.2023, there is no incriminating evidence against the petitioner.

5 In view of the above, keeping in view of the period of incarceration suffered by the petitioner and keeping in view that he is in custody since 25.09.2023, the present petition is allowed. The petitioner is ordered to be released on bail in the present case on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

20.02.2024
spn

Whether speaking/reasoned	Yes
Whether Reportable :	No