

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9312-2024

Decided on:-08.04.2024

Arashdeep Singh @ Arashi

....Petitioner..

vs.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Arihant Goyal, Advocate,
for the petitioner.

Mr. Kewal Singh, Addl.AG, Punjab.

HARKESH MANUJA J.

1. By way of present petition filed under Section 439 Cr.P.C., the petitioner prays for grant of regular bail in case FIR No.34 dated 04.06.2021, under Sections 21, 22, 25, 61 of NDPS Act, 1985, registered at Police Station Sehna, District Barnala, during the pendency of trial.

2. Learned counsel for the petitioner submits that the petitioner was implicated only on the basis of disclosure statement made by one Jasmail Singh @ Maddi, who was apprehended at the spot with the alleged recovery of 335 grams of white intoxicant powder (chitta) along with motor-cycle.

2.1 Learned counsel further submits that petitioner is behind the bars since 25.08.2021 i.e. for the last more than 02 years & 07 months now.

He also submits that the investigation in the present case already stands

concluded with the filing of challan, followed by framing of charges and 15 prosecution witnesses out of the total of 28 witnesses as cited by the prosecution have been examined so far and thus, prays for grant of concession of regular bail.

3. On the other hand, prayer made in the present petition has been opposed at the instance of learned State counsel while submitting that four more cases under the provisions of NDPS Act were registered against the petitioner, out of which, in three cases, he is already on bail and in one case, he is in custody.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

5. Considering the fact that the petitioner having been implicated only on the basis of statement made by one Jasmail Singh @ Maddi, from whom the alleged recovery has been effected; veracity and evidentiary value of the disclosure statement is still to be adjudicated upon during trial and that investigation already stands concluded, charges framed, besides it, out of 28 witnesses cited by the prosecution, 15 have been examined and also the fact that the petitioner is in custody for the last 02 years & 07 months now, there does not appear to be any justification to keep the petitioner behind the bars. Reliance can be placed upon the law laid down by Hon'ble the Supreme Court in "Special Leave to Appeal (Crl.) No.5530/2022, titled as ***"Mohammad Salman Hanif Shaikh vs. The State of Gujrat"***, Special Leave to Appeal (Crl.) No.4173/2022, titled as ***"Shariful Islam @ Sarif vs. The State of West Bengal"*** and Special Leave

to Appeal (Crl.) No.5769/2022, titled as **“Nitish Adhikary @ Bapan vs. The State of West Bengal”**.

6. In view of the above, without commenting anything on the merits, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.
7. Keeping in view the fact that the trial is going on for the past more than 2½ years, the trial Court is requested to conclude the same within 03 months from today.
8. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

08.04.2024
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/ No