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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9751-2024
Date of decision: 28.02.2024

Patras ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ajaypal Singh Sandhu, Advocate for the petitioner.
Mr. Inderjeet Singh, Ladher, DAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. This is a petition filed under Section 439 Cr.P.C. read with Section 37 of NDPS Act for grant of regular bail in case having FIR No.87 dated 13.08.2023 under Section 22 and Section 29/61/85 of NDPS Act added later on, at Police Station Mallanwala Tehsil Zira, District Ferozepur.
2. The allegations in nutshell are that police apprehended co-accused Robin @ Karaj (real brother of the petitioner) and recovered 54 strips each having 10 tablets of Etizolam 0.5 mg (Etirelax 0.5) from him. Thereafter, co-accused Robin @ Karaj made disclosure statement with regard to involvement of the present petitioner in drug trafficking and consequently, the petitioner was nominated as accused and arrested on 05.10.2023. During investigation, no contraband was recovered from possession of the petitioner.
3. Counsel for the petitioner submits that the petitioner is falsely

implicated in the present case and nominated as accused on the basis of alleged disclosure statement made by co-accused which is in admissible evidence. Counsel for the petitioner further submits that the petitioner who is having no criminal history is in custody for the last about 5 months and after completion of investigation, challan stands presented but trial is at its initial stage. It is further submitted that during investigation, no contraband or any other incriminating article was recovered at the instance of the petitioner. So, prayer is made that the petitioner be released on regular bail.

4. On the other hand, the present petition is resisted by the State counsel who submits that in the present case, commercial quantity of medical intoxicants was recovered from co-accused Robin @ Karaj who is real brother of the petitioner and the said co-accused made disclosure statement that the aforesaid contraband was provided to him by the present petitioner. Further, the State counsel has not disputed the fact that the petitioner is in custody for the last about 5 months and after completion of investigation, police presented the challan and the petitioner is having no criminal antecedents and that during investigation no contraband was recovered from possession of the petitioner.

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

6. Admittedly, the petitioner was not named in the FIR which was registered against his brother/co-accused Robin @ Karaj, from whom, police had recovered commercial quantity of medical intoxicants on 13.08.2023. As per prosecution, the name of the petitioner surfaced in the disclosure statement moved by the said co-accused. The veracity and admissibility of

the alleged disclosure statement will be tested during trial. The petitioner who was arrested on 05.10.2023 is presently lodged in judicial custody and it appears that during investigation, no contraband or any other incriminating article was recovered at the instance of the petitioner. It will take considerable time for the trial to terminate. In the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.

7. Consequently, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned, if the petitioner is not required by the police in any other criminal case.

28.02.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No