

CRM-M-12589-2024

227 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12589-2024
Decided on:-09.04.2024

Narender SinghPetitioner..

vs.

State of PunjabRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Parveen Kumar, Advocate for the petitioner.

Mr. Siddharth Sandhu, AAG, Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail to the petitioner, pending trial in case FIR No.207 dated 03.10.2023, registered under Section 22 of the NDPS Act, 1985, at Police Station Samrala, District Ludhiana, wherein, the petitioner has been implicated on the basis of disclosure statement made by the wife of one of the co-accused, namely, Karnail Masih, against the alleged recovery of 10,000 tablets of “*tramadol*”

2. The prayer made herein has been opposed at the instance of learned State counsel while referring to the huge recovery involved in the case in hand, besides the custody period of the petitioner, which is merely 05 months, and thus, prays for dismissal of the present petition.

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

petitioner.

4. A perusal of record shows that 03 persons, namely, Sandeep Singh, Lakhvir Singh and Malkeet Singh were apprehended at the spot by the investigating agency and from them recovery of 10,000/- tablets of “*tramadol*” was effected. All the aforementioned 03 persons in their disclosure statements named one Karnail Masih and in turn, the wife of Karnail Masih disclosed the name of the petitioner.

5. In the present case, neither any recovery has been effected from the petitioner nor is he involved in any other case under NDPS Act. The petitioner was implicated only on the basis of statement made by wife of co-accused Karnail Masih, which is yet to be ascertained during trial. The investigation in the present case already stands concluded with the filing of challan and petitioner is behind the bars for the last almost 05 months.

6. Thus, considering the aforesaid facts, I do not find any justification to extend the incarceration of the petitioner.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

8. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

09.04.2024
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(HARKESH MANUJA)
JUDGE

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