

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

227

CRM-M-13331-2024

Date of decision: 24.04.2024

Gurtej Singh @ Nikka

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ritesh Khatri, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.0065 dated 31.10.2023 under Sections 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') (Section 29 of the NDPS Act added lateron) registered at Police Station Rureke Kalan, District Barnala.

2. Learned counsel for the petitioner submits that he has been falsely implicated in the instant case on the basis of a disclosure statement allegedly suffered by co-accused Kamaldeep Singh @ Kala, that too after 03 days of the alleged recovery i.e. on 31.10.2023; allegedly co-accused Kamaldeep Singh @ Kala suffered a disclosure statement wherein he stated that the recovered contraband i.e. 750 tablets of Alprazolam had been procured by him through the petitioner. Learned counsel submits that the petitioner is not involved in any other case under the NDPS Act which hints towards his false implication coupled with the fact that the disclosure statement on the basis of which

he has been arraigned as an accused has very weak evidentiary value. Learned counsel has submitted that the possibility of the trial concluding in the near future seems unlikely as after the charges were framed on 16.03.2024, none of the 12 prosecution witnesses had been examined yet.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed that the petitioner is not involved in any other case under the NDPS Act, however, he submits on instructions that the petitioner has previously been involved in cases under the Excise Act and one case for offences under the Indian Penal Code. Learned State counsel has on further instructions not disputed that none of the prosecution witnesses have been examined. It has also not been disputed that the petitioner was nominated as an accused in the instant case only on the basis of a disclosure statement suffered by co-accused Kamaldeep Singh @ Kala and still further no recovery of any contraband was effected from the petitioner on his arrest on 07.01.2024.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. As not disputed, the petitioner is not involved in any other case under the NDPS Act. The investigation in the case at hand is complete and charges also stand framed, however, possibility of the trial concluding in the near future seems unlikely as prosecution evidence is due to commence only on 25.04.2024. In the facts and circumstances as enumerated hereinabove particularly considering that the petitioner was nominated as an accused on the basis of a disclosure

statement, his further incarceration would not serve any useful purpose. This Court, therefore, deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

24.04.2024

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(MANJARI NEHRU KAUL)
JUDGE

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