

S. No.232

2024:PHHC:042233

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

CRM-M-13910 of 2024

Date of Decision:22.03.2024

Karan

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Karandeep Singh Sidhu, Advocate
for the petitioner.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.315 dated 11.08.2023 registered under Section 21 (Act No.61 of 1985) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') (lateron added Section 29 of the NDPS Act) at Police Station City Ferozepur, District Ferozepur.

As per allegations, 1 Kg 500 grams of heroin was recovered from possession of co-accused Saravjit Singh @ Shabbu on 11.08.2023. In his disclosure statement, said co-accused Saravjit Singh @ Shabbu nominated one Gurjant Singh @ Guri to be the supplier and that Gurjant Singh @ Guri further suffered disclosure statement and nominated one Lakhan to be the supplier. Said Lakhan further suffered disclosure statement and nominated Karan (petitioner) by stating that it is at the instance of the petitioner that contraband was supplied.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated simply on the basis of disclosure statement of co-accused Lakhan; that said Lakhan has already been allowed bail by this Court vide order dated 06.03.2024 in CRM-M-63548 of 2023; that petitioner is in custody for the last more than six months and that no recovery was effected from him.

Notice of motion.

Mr. Amandeep Singh, DAG, Punjab, accepts notice on behalf of the respondent- State. Custody certificate has been placed on record.

Learned State Counsel could not refute the afore-said contentions to the effect that no recovery was effected from the petitioner and that he has been nominated on the basis of disclosure statement of co-accused – Lakhan.

As per the custody certificate, petitioner is in custody for the last 06 months and 08 days.

However, learned State Counsel opposed the bail petition by pointing out that the petitioner is involved in one more case pertaining to the NDPS Act.

Having regard to the fact that the petitioner has been nominated only on the basis of disclosure statement of co-accused- Lakhan, the admissibility of which is to be tested during trial and the said co-accused- Lakhan has already been allowed bail by this Court and that the trial may take long time to conclude, but without commenting anything on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

March 22, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No