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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16271-2024
Date of decision : 09.04.2024

CHARANJIT SINGH @ CHANNIPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Bikramjeet S. Jatana, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.0260 dated 26.11.2023 registered for the offences punishable under Sections 21, 23, 25, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') and Sections 21-C, 27-A/61/85 of the NDPS Act added later on, at Police Station Chheharta, District Police Commissionerate Amritsar.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. As per the case of prosecution secret information was received against Jasmeet Singh @ Lucky, Mahinder Pal Singh and Sourav Sharma of being habitual offenders in dealing with *heroin*. Mahinder Pal Singh and Sourav Sharma were arrested which led to recovery of 6 kg. of *heroin* i.e. 3

kg. each. Both of them further nominated one Deepak Partap @ Deep. Deepak Partap @ Deep was apprehended and was found to be in conscious possession of 110 grams of *heroin*, Rs.3,10,000/- as well as 12 sim cards. On further disclosure made by Deepak Partap @ Deep, present petitioner has been nominated. As per the statement made by Deepak Partap @ Deep, the petitioner was also part of the business and used to transport the contraband as well as drug money.

4. Counsel for the petitioner submits that the petitioner has undergone 3 months and 16 days of actual custody and has no prior antecedents of being involved in any case under the NDPS Act. He further submits that it's a case of false implication. No recovery has been effected from the petitioner. He has been nominated merely on the basis of disclosure made by co-accused Deepak Partap @ Deep that too while in police custody and apart from the said disclosure, there is no incriminating evidence against the petitioner. He further relies upon law laid down by Apex Court in **Tofan Singh vs. State of Tamil Nadu, (2021) 4 SCC 1** to submit that the disclosure made by co-accused while in police custody alone cannot suffice to drive home the guilt of the petitioner.

5. State Counsel however opposes the bail plea by submitting that it's a case of heavy recovery. On specific query from the Court, he has however fairly admitted that nothing has been recovered from the petitioner and the only incriminating evidence against him is in the form of disclosure made by Deepak Partap @ Deep.

6. I have heard counsel for the parties and have gone through records of the case.

7. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the nature of evidence available against him, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any with the trial Court.
- (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cellphone number without permission of the trial Court.
- (vii) The petitioner shall not in any manner try to delay the trial.

9. In case of breach of any of the aforesaid conditions and those which may be imposed by the Trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.
10. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

April 09, 2024	(Pankaj Jain)
Dpr	Judge
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No