

CRM-M-19450-2024

Date of Decision:29.04.2024

SANJEEV KUMAR @ GHUDA

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Brajesh Kumar Kaundal, Advocate
for the petitioner.

Mr. Kuljit Singh, Addl. A.G., Punjab.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.0069 dated 07.07.2022 registered for the offences punishable under Sections 22, 29 of NDPS Act at Police Station Rahon, SBS Nagar.

2. The allegations in nutshell are that on 07.07.2022, police apprehended co-accused Jaskaran Singh @ Shah, who was travelling on a motorcycle and recovered 11 injections of Buprenorphine, 2 ml each and another 11 injections of Avil, 10 ml each from him. During investigation, petitioner was nominated as accused on the basis of disclosure statement suffered by aforesaid Jaskaran Singh @ Shah against him and then petitioner was arrested in the present case on 17.12.2023.

3. Counsel for the petitioner submits that petitioner is falsely implicated in the present case on the basis of alleged disclosure statement suffered by co-accused Jaskaran Singh @ Shah and said co-accused is already granted regular bail by this Court vide order dated 15.11.2023

(Annexure P-5). It is further submitted that the admissibility and relevancy of disclosure statement, if any, suffered by co-accused against the petitioner will be tested during trial. Counsel for the petitioner further submits that no contraband is recovered from possession of the present petitioner but is in custody since 17.12.2023 and that it will take time for the trial to conclude and in the given circumstances, no purpose is going to be served by keeping the petitioner in custody.

4. The present petition is resisted by the State counsel, who submits that police arrested co-accused Jaskaran Singh @ Shah and recovered 11 injections of Buprenorphine, 2 ml each and 11 injections of Avil, 10 ml each. It is further submitted that the petitioner is nominated as accused on the basis of disclosure statement made by Jaskaran Singh @ Shah and thereafter arrested on 17.12.2023. State counsel on instructions from ASI Harinder Singh has not disputed the fact that during investigation, no contraband was recovered from possession of the petitioner who is presently lodged in judicial custody.

5. Admittedly, petitioner is having no criminal history under NDPS Act and is nominated as accused on the basis of disclosure statement covered by co-accused Jaskaran Singh @ Shah who is already given concession of regular bail vide order dated 15.11.2023 (Annexure P-5) by this Court. The petitioner is in custody since 17.12.2023 and no contraband was recovered from his conscious possession or at his instance and it will take time for the trial to conclude and as in this case main accused Jaskaran Singh @ Shah is already enlarged on bail, no fruitful purpose will be served by prolonging judicial custody of the petitioner.

6. For the foregoing reasons, without commenting 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 bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

29.04.2024
Priyanka Thakur

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