



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

224-1

CRM-M-17795-2024

Date of decision: 05.08.2024

DARA SINGH

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Satwant Mehta, Advocate, for the petitioner.

Mr.Jasdev Singh Gill, Addl.A.G., 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.32 dated 14.09.2023 under Sections 21, 23-C, 25, 27-A, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 42 and 52-A of Prisoner's Act, registered at Police Station Special Operations Cell, District Intelligence Wing (CID), Amritsar.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 23.09.2023; he came to be nominated as an accused in the third disclosure statement allegedly suffered by co-accused Satwinder Pal Singh, who referred the co-accused Gurpreet Singh and Gurlal Singh to him. It has been submitted that the petitioner has clean antecedents and is not involved in any other criminal case much less under the NDPS Act; the petitioner is being linked to the present FIR only



on the ground of the recovered contraband being found on his fields which was dropped through a drone, from across the border. Learned counsel submits that since the challan in the present case has been presented and even charges have been framed, further incarceration of the petitioner in the aforementioned facts and circumstances, would serve no useful purpose as none of the 31 prosecution witnesses cited by the prosecution have been examined so far.

3. Per contra, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions from SI Nivrit Pal Singh, has not been able to controvert that no information was received regarding the involvement of the petitioner in drug trafficking. It has also not been disputed that the petitioner has no criminal antecedents. Furthermore, even in the disclosure statement allegedly suffered by co-accused Gurpreet Singh and Gurlal Singh, there were no allegations levelled qua the petitioner being either supplier of the recovered contraband and rather the only role attributed to him was of having referred the two co-accused to one Satwinder Pal Singh. However, it has been reiterated by the learned State counsel, on instructions that the recovered contraband was dropped from a drone into the fields of the petitioner.

On a pointed query put to the learned State counsel as to whether any recovery of contraband was affected from the petitioner



pursuant to his arrest on 23.09.2023, he, on instructions has replied in the negative. On a further query, learned State counsel has not disputed that the petitioner is not facing trial in any case under the NDPS Act.

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

5. The petitioner has now been in custody for more than ten months having been arrested on 23.09.2023. There is no likelihood of the trial concluding in the near future as none of the 31 witnesses cited by the prosecution have been examined till date.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed and 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.

8. 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.

(MANJARI NEHRU KAUL)
JUDGE

August 05, 2024
poonam

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