

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

213

2024:PHHC:052618

CRM-M-17972-2024

Date of decision: April 19th, 2024

Gurpal Singh alias Hussan

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.118 dated 21.07.2023 under Sections 21, 25, 29 of the NDPS Act, 1985, registered at Police Station Kamboj, Amritsar Rural.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated in the case in hand on the basis of a disclosure statement allegedly suffered by co-accused from whom a recovery of 975 grams of heroin was affected. It has been further submitted that not only is the evidentiary value of such disclosure statement of a weak nature but it also needs to be appreciated from the fact that the petitioner is not involved in any other case under the NDPS Act and hence, there was no occasion for him to have been involved in drug trafficking. It has still further been submitted that as per the case of the prosecution itself, a secret information was received qua four persons, however, the petitioner was not one of those four persons qua whom the secret information was received. Learned counsel

has submitted that since investigation in the case at hand is complete and challan stands presented, his further incarceration would serve no useful purpose as charges are likely to be framed only on 27.05.2024.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that no secret information was received qua the involvement of the petitioner in drug trafficking nor any recovery of any contraband much less heroin affected from his conscious possession or pursuant to any disclosure statement suffered by the petitioner when he was arrested on 22.12.2023. However, it has been submitted that the petitioner's name surfaced in a disclosure statement suffered by co-accused, who stated that the petitioner was a part of the gang which was indulging in drug trafficking.

4. On a pointed query put to the learned State counsel as to whether the petitioner is involved in any other case under the NDPS Act, he on instructions from S.I. Dhanwinder Singh, has replied in the negative. However, it has been submitted that the petitioner is involved in one other case under Section 379 of the IPC. On further query, it has not been disputed by the learned State counsel, on instructions, that challan stands presented and 28 witnesses have been cited by the prosecution.

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

6. As not disputed by the learned State counsel, no recovery of any narcotic substance was affected from the petitioner nor is he involved in any other case under the NDPS Act. There is no likelihood of the trial concluding in the near future as charges are likely to be

framed only on the next date of hearing i.e. 27.05.2024, coupled with the fact that as many as 28 witnesses have been cited by the prosecution.

7 In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail 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 say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

April 19th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned

:

Yes

Whether reportable

:

No