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

CRM-M-20422-2023

Date of decision: 25.01.2024

Ajoob @ Mohammad Ajoob

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. J.S. Bhandari, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.139 dated 15.11.2021, registered under Sections 15(b), 15(c), 29 of the NDPS Act, at Police Station Bhogpur, District Jalandhar, Rural, Punjab.

2. The allegations in nutshell are that police received a secret information against Jaan Mohammad, Roshandin and Mohammad Hussain and then police apprehended Roshandin and Jaan Mohammad and recovered 25 kg of poppy husk from them. Thereafter, police recovered another 125 kg of poppy husk from Roshandin and Jaan Mohammad. The name of the present petitioner surfaced in disclosure statement of co-accused and thereafter, petitioner was arrested on 15.12.2022. However, no recovery of contraband is effected from possession of the petitioner.

3. The counsel for the petitioner submits that the petitioner was falsely implicated in the present case on the basis of alleged disclosure statement of co-accused which will be tested during trial. It is further contended that otherwise no contraband was recovered from the petitioner and he is in custody for the last more than 1 year and 1 months and the trial is at its initial stage and it will take time for trial to conclude. So, prayer is made that the petitioner be released on bail.

4. The present petition is resisted by the State counsel who on instructions from ASI Kewal Krishan submits that police received secret information against co-accused Roshandin and Jaan Mohammad and then police arrested Roshandin along with 25 kg of poppy husk and thereafter, recovery of another 125 kg of poppy husk was effected from Roshandin and Jaan Mohammad and name of the petitioner appeared in the disclosure statement of Jaan Mohammad and consequently, he was arrested on 15.12.2022 and on completion of investigation, police has presented challan but trial is at its initial stage. The State counsel apprised the Court that 2 other criminal cases are faced by the petitioner out of which he is enlarged on bail in one case. The State counsel has not disputed the fact that no contraband was recovered from conscious possession of the petitioner in the present petition.

5. I have considered the submissions made by counsel for the parties.

6. The petitioner was nominated as accused on the basis of disclosure statement of co-accused and the relevancy and admissibility of the same is subject matter of trial. The petitioner is in custody since

15.12.2022 and on completion of investigation, police has presented challan but till date charges are not framed and even after the framing of charges, it will take considerable time for trial to terminate. It appears that no contraband was directly recovered from possession of the petitioner. In the given circumstances, no purpose is going to be served by prologning the judicial custody of the petitioner.

7. In light of the above, without expressing any opinion 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/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned, if the petitioner is not required by the police in any other criminal case.

25.01.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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