

224

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-21816-2023

Date of decision:- 30.01.2024

INDERJIT SINGH ALIAS JORA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Jashandeep Singh Sandhu, Advocate for the petitioner.
Mr. Sarabjit Singh Cheema, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed custody certificate dated 29.01.2024, the same is taken on record. Copy thereof has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
178	27.12.2022	21 (c), 25, 61 of NDPS Act (29 NDPS added lateron)	Majitha Road, Amritsar

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He

submits that the petitioner is neither involved in the alleged occurrence nor he has been named in the FIR. He submits that co-accused Suraj Kumar was apprehended by the police and from his possession 1 kg. of heroin was recovered. During interrogation co-accused Suraj Kumar made disclosure statement on 02.01.2023 and nominated the petitioner as a person to whom the contraband was to be delivered and accordingly the petitioner was arrested in this case on 17.02.2023 and no recovery has been effected from him, as such he prays for grant of concession of bail to the petitioner.

4. Learned State counsel has not disputed the factual matrix of the case but opposed the bail petition by arguing that the petitioner is involved in heinous crime and does not deserve concession of bail.

5. After considering the rival contentions and perusing the record, it transpires that co-accused Suraj Kumar was apprehended by the police and from his possession 1 kg. of heroin was recovered and during interrogation he made disclosure statement on 29.12.2022 and nominated Arshdeep Singh alias Fauji and during further interrogation he made disclosure statement on 30.12.2022 nominating Sagar and in the 3rd disclosure statement made on 02.01.2023 nominated the petitioner as a person to whom the contraband was to be delivered and accordingly the petitioner was arrested in this case on 17.02.2023. Admittedly after his arrest no recovery has been effected from the petitioner, challan has already been presented in court, and disposal thereof, will take sufficient long time to ascertain criminal liability, if any, of the petitioner and no useful purpose would be served by keeping the petitioner behind bars any longer.

6. Resultantly, without commenting on the merits of the case, it

is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

8. Anything contained herein above shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

30.01.2024

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

Yes/No
Yes/No