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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-23361-2024
Date of decision:-20.11.2024

HARPREET SINGH @ PRINCE

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Praveen Chauhan, Advocate for the petitioner.
Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

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

FIR No.	Dated	Sections	Police Station
02	11.01.2024	21(a), 27 (a) of NDPS, Act and 25 of Arms Act	Dinanagar, District Gurdaspur

2. Arguments heard.
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 contends that the petitioner was not named in the FIR but has been nominated on the alleged disclosure statement of co-accused Mani Singh @ Mau who in turn was nominated on the disclosure of co-accused Kanwaljit Singh and Rupinder Singh from whom the recovery of 1.5 grams heroin



alongwith 2 pistols were effected. He contends that as per the allegations 2 pistols have been recovered from the house of the petitioner which is manifestly wrong and no such recovery has taken place. He submits that the after completion of investigation, challan has already been presented in Court wherein prosecution has cited 24 witnesses. He submits that the petitioner is involved in one more case but he is on bail therein. He contends that the conclusion of trial in the present case will take sufficient long time as no witnesses has been examined till date and no purpose would be served by detaining the petitioner any longer.

4. *Per contra*, learned State counsel referring to the reply submitted by the State has assailed these argument by submitting that the petitioner has been nominated on the basis of the disclosure statement of co-accused Mani Singh @ Mau and 2 country made pistols were recovered from the house of the petitioner. However, presentation of challan and citing of 24 witnesses by the prosecution has been admitted by him.

5. After considering the rival contentions and perusing the record, it transpires that during Naka duty a car driven by Rupinder Singh sitting alongwith him was Kanwaljit Singh and on the back seat was a lady namely Pema Doma Bhutya, were signalled to stop on suspicion, and from their possession 1.5 gram of heroin and two country made pistols were recovered and subsequently during course of interrogation Kanwaljit Singh and Rupinder Singh disclosed the name of Mani Singh @ Mau and he disclosed name of the petitioner alongwith some other persons. The petitioner was arrested on 22.01.2024 and since then he is in custody. After completion of



investigation challan has already been presented in court wherein the prosecution has cited 25 witnesses and till date none of them have been examined. The recovery of weapon from the house of the petitioner is debatable and conclusion of trial to ascertain criminal liability, if any of the petitioner in the present case, will take sufficient long time.

6. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served by 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. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

20.11.2024

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |