



CRM-M-23785-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-23785-2024
Date of decision: 04.09.2024

PALWINDER SINGH @ BABBA
.....Petitioner

Versus

STATE OF PUNJAB
....Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Vipin Mahajan, Advocate for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

.....

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 439 Cr.P.C, the petitioner seeks grant of regular bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
204	07.11.2023	21(c), 27(a) and 29 of NDPS Act	Dinanagar, District Gurdaspur.

2. Learned State counsel has produced the custody certificate dated 02.09.2024 in the Court today. The same is taken on record.
3. Learned counsel for the petitioner inter alia contends that the petitioner is innocent and has been falsely implicated in this case. He contends that he was not named in the FIR nor involved in the alleged occurrence. He further contends that the petitioner has been nominated on the alleged disclosure statement of co-accused Akashdeep and Shamsheer



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Singh from whom contraband had been recovered in this case. He contends that consequent upon being nominated by the co-accused (*supra*) in the present case the petitioner was arrested on 12.11.2023, however, no recovery has been effected from the petitioner.

4. Learned counsel for the petitioner further contends that the challan has already been presented by the police and the petitioner is no more required in the present case and hence prays for grant of bail.

5. Per contra, learned State counsel has submitted that the petitioner is alleged to have supplied the contraband to the co-accused from whom the same was recovered and prays for dismissal of the bail application. However, he submits that no recovery has been effected from the petitioner.

6. Learned State counsel for the petitioner submits that out of 17 witnesses cited by the prosecution none has been examined. He submits that the petitioner is having 02 more cases registered against him to which learned counsel for the petitioner clarifies that the petitioner is on bail therein .

7. Considering the respective submissions and perusing the record, admittedly the petitioner was not named in the FIR but was nominated on the alleged disclosure statement of the co-accused (*supra*) from whom recovery of contraband had been effected consequent upon his arrest on 12.11.2023. Admittedly, no recovery has been effected from the petitioner. The prosecution has cited 17 witnesses but till date none has been examined. No purpose would be served by detaining the petitioner in



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custody any longer as the conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time.

8. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate 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.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

04.09.2024
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(SANJIV BERRY)
JUDGE

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