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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-25484-2024 (O&M)
Date of Decision:- 22.08.2024

RAMPREET SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Sarabjit Singh Cheema, Advocate for the petitioner.
Mr. Japjot Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
07	18.01.2024	21, 25 and 29 NDPS Act	Dhanaula, District Barnala

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner has been in custody in this case since 20.01.2024. He contends that the petitioner was not named in the FIR nor any recovery has been effected from him but has been nominated on the basis of alleged disclosure statement made by the co-accused namely Gurjoban Singh @ Joban; Jojanvinder @ Jojan and Karanjot Singh, from whom recovery of contraband was effected. He contends that after the completion of



investigation, the challan has already been presented in Court and the petitioner is not having any criminal antecedents. Hence, the present petition for grant of bail to the petitioner.

3. *Per contra*, learned State counsel has not disputed the factual matrix and has contended that the petitioner has been arrayed as an accused on the basis of disclosure statement made by the co-accused, namely Gurjoban Singh @ Joban; Jojanvinder @ Jojan and Karanjot Singh. He has submitted that recovery effected from the co-accused happens to be commercial quantity, as such, the petitioner is not entitled to concession of bail. He has, however, submitted that challan has already been presented in the Court but the charges have not yet been framed.

4. After considering the rival contentions and perusing the record, it is not disputed that recovery of contraband was effected by the police apprehending the co-accused, namely Gurjoban Singh @ Joban; Jojanvinder @ Jojan and Karanjot Singh, from whom 300 grams of heroin was recovered and during the course of their interrogation, they disclosed the involvement of the present petitioner and accordingly, the petitioner was arrested in this case on 20.01.2024. Despite his interrogation, nothing substantial could be fetched out by the police so as to connect him with the alleged recovery. After completion of investigation, challan has already been presented in the Court and it transpires that apart from the disclosure statement made by the co-accused, there is nothing on record to connect the petitioner with the recovery of alleged contraband. As stated above, after presentation of challan, charges have not yet been framed by the learned Trial Court and the



petitioner is not having any other criminal case registered against him. The conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

5. Consequently, 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/Judge on Duty/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.

6. 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.

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

8. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

22.08.2024
S.Sharma(syr)

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