



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-26949-2024
Date of decision: September 26th, 2024

Neeraj WadhwanPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. P.S. Hundal, Advocate
for the petitioner.

Mr. Shiva Khurmi, Assistant Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. (Section 483 of the BNSS 2023) in case FIR No.156 dated 02.09.2023 under Sections 21-C, 25, 27-A, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') and Section 25 of the Arms Act, 1959, registered at Police Station Sadar Tarn Taran.

2. Learned counsel for the petitioner submits that a recovery of 1.2 kilograms of heroin was effected from three accused Lovepreet Singh, Nirmal Singh and Sukhwinder Singh pursuant to a secret information received; no secret information was received qua the involvement of the petitioner in the crime in question. The petitioner was subsequently arrested on 03.09.2023 and that too on the disclosure statement of co-accused Sushank Wadhwan, who also had been named as an accused on a disclosure statement allegedly suffered by co-accused Sukhwinder Singh. Learned counsel submits that the

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evidentiary value of the disclosure statement on the basis of which the petitioner has been arraigned as an accused is of a weak nature and his false implication in the present case is evident from the fact that firstly no recovery of any contraband, much less heroin, was effected from him on being arrested on 03.09.2023 and secondly, the petitioner has no previous criminal antecedents. Learned counsel has submitted that a recovery of ₹36,60,000/- was allegedly shown to have been effected from him. Learned counsel has submitted that in the facts and circumstances since investigation in the present case is complete as challan stands presented, further incarceration of the petitioner would serve no useful purpose as none of the 23 witnesses cited by the prosecution, have been examined till date. It has also been brought to the notice of this Court that identically placed co-accused Sukhmanjit Singh, Sushank Wadhwan and Abhishek Wadhawan have since been extended the concession of bail by this Court vide orders dated 14.08.2024, 03.09.2024 and 25.09.2024 respectively.

3. *Per contra*, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions ASI Manjinder Singh, has not controverted that the secret information had not been received qua the petitioner nor has it been disputed by the learned State counsel that the name of the petitioner surfaced in the second disclosure statement made by co-accused Sushank Wadhwan, who has since been enlarged on bail. It has also not been disputed by the learned State counsel that no recovery of any contraband, much less heroin, was effected from the petitioner when he was arrested on

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03.09.2023. However, learned State counsel has asserted that a recovery of ₹36,60,000/- (drug money) was effected from the petitioner which clearly hinted towards his complicity in the crime in question.

4. On a pointed query put to the learned State counsel as to whether the petitioner is involved in any other criminal case, he, on instructions has replied in the negative. Custody period of the petitioner as well as the stage of trial has also not been disputed by the learned State counsel. Learned State counsel on further instructions has submitted that the next date fixed before the learned trial Court is 04.10.2024 when charges are likely to be framed.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner came to be nominated as an accused on the basis of second disclosure statement allegedly suffered by co-accused Sushank Wadhwan. As not disputed, no recovery of any contraband was effected from the petitioner. Furthermore, he is not stated to be involved in any other criminal case, much less under the NDPS Act. Even though the petitioner was arrested way back on 03.09.2023, however, till date despite the challan having been presented on 26.02.2024, charges have not been framed and the case is being repeatedly adjourned. As many as 23 prosecution witnesses have been cited, hence, there is no likelihood of the trial concluding in the near future. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.



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7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

September 26th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No