



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CRM-M-28643-2024

Date of decision: 05.07.2024

Sushil Kumar @ Suraj

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Manpreet Kanda, Advocate and
Ms. Pridhi Sandhu, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.58 dated 18.03.2024 under Sections 18, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Division No.8, Police Commissionerate Jalandhar.

2. Learned counsel for the petitioner submits that no recovery of any contraband was effected from the petitioner in the FIR in question and his name has surfaced in a disclosure statement allegedly suffered by co-accused Gagandeep Singh, who has been already extended the concession of bail by the learned Trial Court vide order dated 24.04.2024 (Anneuxre P-3). It has been asserted by the learned counsel that even when the petitioner was arrested pursuant to the aforesaid alleged disclosure statement on 21.03.2024, no recovery of



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any contraband much less opium was effected from him which lends credence to his false implication in the present case. Learned counsel has argued that the evidentiary value of the disclosure statement on the basis of which he has been challaned does not carry much weight. Learned counsel has, thus, argued that in the aforementioned facts and circumstances since the investigation in the case at hand is complete and even charges stand framed, further incarceration of the petitioner would serve no useful purpose as the trial would take considerable time to conclude, moreso, when none of the 15 prosecution witnesses have been examined till date.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Jagir Singh, has not disputed that the petitioner was not apprehended along with the co-accused from whom the alleged recovery of 1.5 kgs (non-commercial quantity) of opium was allegedly effected. It has also not been disputed by the learned State counsel that on being arrested, no recovery of any narcotic substance/contraband was effected from the petitioner; the stage of the trial has also not been disputed by the learned State counsel, who on instructions, has submitted that the next date fixed before the learned Trial Court is 23.07.2024 when in all likelihood prosecution evidence is due to commence. However, learned State counsel submits that the petitioner is involved in another case under the NDPS Act, in which he is in custody. Learned State counsel has on instructions not controverted that both the co-accused including the one from whom the alleged recovery of contraband was effected has

already been extended the concession of bail by the learned Trial Court.

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

5. The petitioner has been in custody since 21.03.2024; investigation is complete, challan stands presented and even charges stand framed. The trial is unlikely to conclude in the near future as 15 prosecution witnesses have been cited. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. 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.

7. 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.

05.07.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No