



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CRM No. M-28622-2024
Date of Decision : 06.06.2024

Parmod Kumar

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Jagjit Singh Lalli, Advocate for the petitioner.
Mr. Kuljit Singh, Additional Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

1. Custody certificate of the petitioner has been produced in Court today by learned State counsel. The same is taken on record.
2. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 58 dated 18.03.2024, registered under Sections 18 and 29 of NDPS Act, 1985 at Police Station Division No. 8, Police Commissionerate, Jalandhar.
3. Learned counsel for the petitioner submits that the petitioner was not named in the FIR but was roped in on the basis of the disclosure statement of main accused, namely, Gagandeep Singh. Learned counsel for the petitioner further submits that no contraband has been recovered from the petitioner and even the main accused, namely, Gagandeep Singh from whom the contraband was recovered, has already been granted the concession of regular bail by the trial court on 24.04.2024 hence, the



petitioner be granted the benefit of regular bail as the trial is likely to take some time before the same concludes.

4. Notice of motion.

5. Mr. Kuljit Singh, learned Additional Advocate General, Punjab, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

6. Learned State counsel, on instructions from ASI Jagir Singh, submits that the petitioner is also facing another FIR being FIR No. 22 dated 02.03.2024, registered under Section 18 of the NDPS Act, 1985 and hence, the petitioner be treated as a habitual offender so as to deny him the concession of regular bail.

7. Learned counsel for the petitioner submits that in the said FIR also, the petitioner was nominated on the basis of disclosure statement and has already filed the petition for grant of bail, which petition is pending consideration for 07.06.2024.

8. I have heard learned counsel for the parties and have gone through the record with their able assistance.

9. Once, no recovery of any contraband has been done from the petitioner and the petitioner has only been roped in on the basis of the disclosure statement of main accused, namely, Gagandeep Singh and even the said main accused has been granted the concession of regular bail by the trial court, which fact has gone un-rebutted, no justifiable purpose will be achieved by keeping the petitioner behind the bars during the entire period of trial as the said disclosure statement, which is the basis of implication of the petitioner in the present case, is yet to be proved during the course of trial.



10. Learned counsel for the petitioner has undertaken before this Court that the petitioner will not influence the trial in any manner and will maintain good conduct, if he is granted bail. In case of default of the undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

11. Accordingly, the present petition is allowed and the petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

12. However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

June 06, 2024
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No