

CRM-M-31214-2024

215 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRM-M-31214-2024
Decided on : 21.10.2024

Baldev Singh Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.326 dated 13.10.2023 under Sections 21(c), 29, 61 and 85 of NDPS Act, 1985 and Section 34 IPC registered at Police Station City Kapurthala District Kapurthala.

2. Learned counsel for the petitioner submits that the petitioner's false implication in the present case is evident from the fact that the alleged recovery of 270 grams of heroin was shown to have been affected from co-accused Paramjit Singh and Chuni Shah on 13.10.2024 pursuant to a secret information received qua them, however, 20 days later on 23.11.2024, a disclosure statement was alleged to have been suffered by co-accused wherein they claimed



that the recovered contraband had been supplied to them by the petitioner. Learned counsel for the petitioner submits that the petitioner has never been previously involved in any other case under the NDPS Act, which clearly points to a false and fabricated case having been planted upon the petitioner. It has also been submitted that the delay in the disclosure statement further corroborates the factum of his false implication in the instant case.

3. On a pointed query put to the learned counsel as to whether any recovery of contraband was affected from the petitioner on his arrest on 11.03.2024, he has categorically replied in the negative. Since investigation in the present case is complete and charges also stand framed, a prayer has been made, in the aforementioned facts and circumstances, for enlarging the petitioner on bail as his further incarceration would serve no useful purpose, more so when only 01 out of 12 witnesses cited by the prosecution has been examined.

4. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed that no secret information was received with respect to the involvement of the petitioner in drug trafficking and secret information had been received qua only co-accused Paramjit Singh and Chuni Shah. However, it has been submitted, on instructions, that during investigation disclosure statement was suffered by co-accused, who stated that the petitioner was the supplier of the recovered contraband.



Learned State counsel, on instructions, has also not disputed that the alleged disclosure statement was made after 20 days of the arrest of both the co-accused. The stage of the trial and the custody period of the petitioner has also not been disputed by the learned State counsel. It has also not been controverted that the petitioner is not facing trial in any other case registered under the NDPS Act.

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

6. The petitioner has been in custody since 11.03.2023. The investigation in the case in hand is complete as challan stands presented. The next date fixed before the trial Court is 05.11.2024 when the prosecution evidence is likely to commence. There is thus, no possibility of the trial concluding in the near future as 12 witnesses have been cited by the prosecution. In addition, neither any recovery of contraband was affected from the petitioner nor is he facing trial in any other case under the NDPS Act.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. 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.

8. 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.



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9. 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.

21.10.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No