



CRM-M-32294-2024(O&M) [1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

[237]

CRM-M-32294-2024(O&M)
Date of decision: 15.07.2024

Karnail MasihPetitioner
Versus
State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Parveen Kumar, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.207 dated 03.10.2023 for offence punishable under Section 22 of the NDPS Act, registered at Police Station Samrala, District Ludhiana.
2. Learned counsel for the petitioner submits that the petitioner has been in custody since 02.11.2023 in a case of false implication. The petitioner came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused, namely, Sandeep Singh, Lakhbir Singh and Malkeet Singh, from whom recovery of 10,000 tablets of “*Tramadol*” was allegedly effected. It has been further argued by the learned counsel that the disclosure statement on the basis of which he has been nominated as an accused does not have much evidentiary value and still further pursuant to the disclosure statement, when the petitioner was arrested by the police, no recovery



of any contraband much less “*Tramadol*” was effected from him. It has been still further submitted that after the challan was presented and charges framed on 04.04.2024, only 01 witness out of total 16 cited by the prosecution had been examined till date and, hence, the possibility of the trial concluding in the near future seems unlikely.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Sukhwinder Singh, has not disputed that no recovery of any contraband was effected from the petitioner when he was arrested on 02.11.2023 pursuant to the alleged disclosure statement suffered by co-accused. It has also not been disputed that investigation in the present case is complete and till date only 01 prosecution witness out of 16 cited, has been examined. Learned State counsel has filed the custody certificate of the petitioner in Court today, which is taken on record.

4. Learned State counsel however has submitted that the petitioner has previously been involved in one more case under the NDPS Act, but in the said case the recovery alleged effected from the petitioner was 750 grams of '*poppy husk*'.

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

6. As not disputed that no recovery of any contraband has been effected from the petitioner in the present case and he stands nominated as an accused on the basis of a disclosure statement suffered



by the co-accused.

7. The trial would take considerable time to conclude as 15 prosecution witnesses still remain to be examined. Hence, further incarceration of the petitioner would serve no useful purpose.

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

9. 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.

10. 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.

JULY 15, 2024
*Anjal**

(MANJARI NEHRU KAUL)
JUDGE

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