



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

241

CRM-M-33252-2024
Date of decision: July 18th, 2024

Pawan Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.58 dated 18.03.2024 under Sections 18, 29 of the NDPS Act registered at Police Station Division No.8, Jalandhar.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of a disclosure statement allegedly suffered by co-accused Gagandeep Singh, who was allegedly apprehended with 1.5 kilograms of opium (non-commercial quantity). Learned counsel submits that the evidentiary value of the disclosure statement on the basis of which he has been nominated as an accused in the present case is of a weak nature. Learned counsel has further submitted that co-accused Gagandeep Singh, on whose disclosure statement, he was nominated as an accused, has already been extended the concession of bail; even three other co-accused, who too are identically placed as the petitioner having

been nominated in the disclosure statement of co-accused Gagandeep Singh, have been enlarged on bail. It has been further submitted that since the investigation in the present case 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 since 15 witnesses have been cited by the prosecution.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed the factual aspect of the submissions made by the counsel opposite qua the allegations levelled in the present FIR against him. It has also been conceded by the learned State counsel, on instructions from ASI Jagir Singh, that on being arrested, no recovery of any contraband was affected from the petitioner. Learned State counsel has also not disputed that not only have identically placed three other co-accused had been extended the concession of bail but even accused Gagandeep Singh, on whose disclosure statement the petitioner came to be nominated as an accused, has been enlarged on bail.

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

5. The petitioner has been in custody since 18.03.2024. The investigation in the present case is complete, however, the trial would still take considerable time to conclude since in view of as many as 15 witnesses having been cited by the prosecution.

6. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail 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 say, 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 18th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No