



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

244

**CRM-M-34424-2024
Date of decision: 25.07.2024**

RAJIV SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Harmanpreet Singh, Advocate
for the petitioner.

Mr.Amit Rana, Sr.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.7 dated 19.01.2024 under Sections 21 and 29 of the NDPS Act, 1985 registered at Police Station Chattiwind, District Amritsar Rural.
2. Learned counsel for the petitioner submits that as per the case of the prosecution itself no recovery of any contraband much less heroin was affected from the person of the petitioner much less pursuant to any disclosure statement suffered by him. It has been submitted that recovery of 270 gms. of heroin was affected as per the case of the prosecution from the house of co-accused Jashandeep Singh from the person of co- accused Ram Singh, who was present inside the house of co-accused-Jashandeep Singh



along with the petitioner. Learned counsel has argued that though the petitioner was not present at the house of co-accused-Jashandeep Singh, however, even assuming for the sake of arguments though not conceded, no recovery of either any contraband or even drug money was affected from him. Hence, in such circumstances he could not be connected with the alleged recovery. It has also been argued that the false implication of the petitioner is further evident from the fact that there was non-compliance of mandatory provisions of the NDPS Act, as no valid offer of search was given by the police to the accused. Learned counsel has lastly argued that since investigation in the present case is complete as challan stands presented and the petitioner is not involved in any other criminal case, much less under the NDPS Act, he be enlarged on bail as the trial would take considerable time to conclude.

3. Custody certificate dated 24.07.2024 has been filed by learned counsel for the State, which is taken on record.

4. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that no recovery of any contraband or drug money was affected from the possession of the petitioner or even thereafter on being arrested, however it has been submitted that the petitioner was named in the secret information which was received by the police to the effect that co-accused Ram Singh and Jashandeep Singh were sitting together along with the petitioner in the house of Jashandeep Singh and indulging in sale of narcotic substance.



Learned State counsel has also further not disputed that the petitioner has clean antecedent and is not involved in any other criminal case.

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

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. The petitioner has been in custody since 19.01.2024. Admittedly, no recovery of any contraband much less heroin was affected from the petitioner; 270 gms. of heroin was allegedly affected from the conscious possession of co-accused Ram Singh and that too in the house of Jashandeep Singh. The trial would take considerable time to conclude.

8. 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.

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.

(MANJARI NEHRU KAUL)
JUDGE

July 25, 2024
poonam

Whether speaking/reasoned:	Yes
Whether reportable:	No