



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

CRM-M No.34848 of 2024 (O&M)

Date of decision: 22nd October, 2024

Krishan Chand

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Satnam S. Gill, Advocate for the petitioner.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

CRM No.41398 of 2024

In view of the averments made in the application and in the interest of justice, the same is allowed as prayed for. The disclosure statement of Balwinder Singh (Annexure P-5) is taken on record.

CRM-M No.34848 of 2024

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.58 dated 09.04.2024 under Sections 15, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Special Task Force Mohali, District STF Wing.

2. Learned counsel for the petitioner submits that a specific secret information was received qua the involvement of co-accused

Balwinder Singh in drug trafficking; pursuant to the secret information the police nabbed co-accused Balwinder Singh and a recovery of 100 kgs of poppy husk was made from him. During his investigation, said co-accused Balwinder Singh allegedly suffered a disclosure statement nominating three persons including the petitioner as being one of the persons who had been purchasing poppy husk from him and in which regard a sum of ₹20,000/- had also been deposited in the account of co-accused Balwinder Singh. Learned counsel submits that firstly the disclosure statement, on the basis of which the petitioner has been nominated as an accused, has a poor evidentiary value and secondly, there was no corroborative evidence collected by the police in support of any transfer of funds by the petitioner into the account of co-accused Balwinder Singh. Learned counsel submits that in the circumstances, it leaves no manner of doubt that the petitioner is innocent and has been falsely implicated in the present case. A prayer has, thus, been made to enlarge the petitioner on bail, as investigation is complete and challan already stands presented, hence his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from SI Hakam Singh, has not disputed that no secret information was received qua the involvement of the petitioner in drug trafficking and the entire recovery of contraband was made from the co-accused Balwinder Singh. However, it has been asserted by the learned State counsel that in the

disclosure statement suffered by the co-accused Balwinder Singh, it had surfaced that the petitioner had been purchasing contraband from the co-accused Balwinder Singh, in which regard he had also made a payment of ₹20,000/- to co-accused Balwinder Singh. Learned State counsel has, on further instructions, submitted that challan stands presented and the next date of hearing fixed before the trial Court is 18.11.2024, when the charges are likely to be framed against the petitioner. It has also been submitted, on instructions, that the prosecution has cited 21 witnesses.

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

5. The petitioner has now been in custody since 19.04.2024. As not disputed by the learned State counsel, no recovery of any contraband much less drug money was affected from the petitioner and the only role attributed to him in the crime in question is of having made some payment to the co-accused for the purchase of poppy husk. The trial would take considerable time to conclude as 21 witnesses have been cited and charges have still not been framed. In the facts and circumstances, as enumerated hereinabove, this Court, thus, deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

6. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

October 22, 2024
rps

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