

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-36318-2023 (O&M)
Date of Decision:-10.1.2024

Aakashdeep @ Deepu ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jashandeep Singh Sandhu, Advocate for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab,
assisted by ASI Avneet Singh.

FIR No.	Dated	Police Station	Section/s
106	06.08.2022	Sadar Zira, District Ferozepur	21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of NDPS Act added later on)

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.

2. As per the case of prosecution, Navdeep Kumar @ Deepu was apprehended by the police on 6.8.2022 when the police party was patrolling in the area of Village Sekhwan, Police Station Zira. The said Navdeep Kumar was found to be carrying a polythene bag in his right hand and had tried to hide the said polythene. Upon his search, the said polythene was found to contain 260 grams of 'Heroin'. It is further the case of prosecution that during the course of interrogation he nominated that it is the petitioner who had supplied the contraband to him.
3. Learned counsel for the petitioner submits that the petitioner is nowhere named in the FIR and came to be nominated on the basis of disclosure statement of co-accused which would not carry any evidentiary value. It has been submitted that even upon arrest of the petitioner no contraband whatsoever was ever recovered from him. It has further been submitted that the petitioner as on date has been behind bars for a substantial period of 1 year, 2 months and 7 days and although he is involved in five other cases including one case under NDPS Act, but even the said case under NDPS Act was lodged on the basis of disclosure statement.
4. Opposing the petition, learned State counsel has submitted that since the petitioner was nominated specifically by the co-accused from whom contraband was recovered, the complicity of the petitioner is clearly evident. It has further been submitted that the antecedents of the petitioner who was involved in 5 other cases including one under NDPS Act do not warrant to be released on bail. The State counsel has however, not disputed the fact that the petitioner has been behind bars since the last about 1 year 2 months and 7 days and that as on date only 1 out of cited 5 PWs has been examined.
5. This Court has considered the rival submissions addressed before this Court.

6. Having regard to the fact that it is a case where the petitioner was nominated on the basis of disclosure statement and the petitioner otherwise has been behind bars for a substantial period of 1 year, 2 months and 7 days and also that the conclusion of trial is likely to consume time, further detention of the petitioner is not justified. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

12.1.2024

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No