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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-36725-2024
Date of decision:-19.11.2024

DILBAG SINGH @ SONU
... Petitioner

Versus

STATE OF PUNJAB
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. R.S. Sekhon, Advocate for the petitioner.
Mr. Iqbalpreet Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

Reply/Status report by way of affidavit dated 22.10.2024 of
Deputy Superintendent of Police, Special Task Force, Border Range, District
Amritsar filed in the Registry is taken on record.

2. Arguments heard.
3. The instant petition has been preferred by the petitioner under
Section 483 of the Bhartiya Nagarik Surakasha Sanhita (BNSS),2023 for
grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
353	15.11.2023	21/29 of NDPS Act	STF Mohali,

4. It is *inter alia* contended by learned counsel for the petitioner
that the petitioner is innocent and has been falsely implicated in this case. He
contends that petitioner was not named in the FIR but has been implicated



by the police vide DDR No.7 dated 09.03.2024 on the allegations of providing shelter to the co-accused and was arrested on 10.03.2024 and since then he is in custody. He contends that no recovery has been effected from the petitioner. He contends that after completion of investigation, challan has already been presented in the trial Court, as such he prays for grant of bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail application by arguing that the petitioner has been found indulging in business of narcotics, and had provided shelter to the other co-accused to evade arrest of them from the police, as such prays for dismissal of the bail petition. However, he has admitted that after completion of investigation challan has been presented in the trial Court.

6. After considering the rival contentions and perusing the record, it transpires that the FIR was registered on the secret information against Kuldeep Singh, Raj Singh @ Raj and Harpreet Singh @ Happy stating that they are involved in the business of selling heroin and they were arrested and recovery of contraband had been effected from them. The present petitioner was not named in the FIR but was nominated on the basis of disclosure statement of Raj Singh @ Raj and Harpreet Singh @ Happy stating that petitioner has been providing shelter to them. Admittedly except the disclosure statement of the co-accused that the petitioner has been providing shelter, there is nothing to corroborate these arguments on the police file.

The petitioner was arrested on 10.03.2024 and since then he is in custody and



no recovery has been effected from him. After completion of investigation, challan has already been presented in Court and the conclusion of trial to ascertain criminal liability, if any of the petitioner in the present case, will take sufficient long time.

7. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

19.11.2024

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No