

2024:PHHC:166099



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37474-2024 (O&M)
Date of decision: 12.12.2024

Harpreet Singh @ HappyPetitioner

Versus

State of PunjabRespondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vipin Mahajan, Advocate, for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-37747-2024

Application is allowed, as prayed for.

Documents Annexures P-13 to P-17 are taken on record
subject to all just exceptions.

CRM-M-37474-2024 (O&M)

Present petition has been filed under Section 483 of Bharatiya
Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in
case FIR No.118, dated 21.07.2023, under Sections 21, 25, 29 of NDPS
Act, 1985 and Section 411 of IPC, 1860 registered at Police Station
Kamboj, District Amritsar Rural.

Learned counsel for the petitioner submits that petitioner’s
false implication in the present case is discernable from the fact that

although a secret information was received by the police qua the involvement of four co-accused from whom recovery of 975 grams of heroin was allegedly effected, however, no such secret information was received qua the involvement of present petitioner; the petitioner came to be nominated as an accused pursuant to a disclosure statement made by the apprehended co-accused. Learned counsel has submitted that the evidentiary value of the disclosure statement on the basis of which the petitioner along with three others came to be nominated as accused, is of a weak nature. It has also been asserted by learned counsel that the petitioner's false implication in the present case is further evident from the fact that no recovery of any contraband, much less heroin, was effected from him when he had been arrested on 12.03.2024. Learned counsel has further contended that after the petitioner's arrest, not only has challan been presented but even charges framed, however, none of the 28 witnesses cited by the prosecution have been examined till date. Hence, there is no likelihood of the trial concluding in the foreseeable future.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel opposite, has not been able to dispute, on instructions from SI Sishpal Singh, that no secret information was received qua the involvement of the petitioner in the present case nor any recovery of contraband effected when he was arrested on 12.03.2024 pursuant to a disclosure statement made by the co-accused who had been named in the secret information and from whom the alleged recovery of 975 grams of heroin was made. Learned State counsel has also not been able to dispute the stage of trial and has further submitted, on instructions,

that the next date fixed before the trial Court is 09.01.2025 when recording of prosecution evidence is likely to commence.

Learned State counsel has, however, on instructions, submitted that the petitioner is involved in one other case under the NDPS Act wherein also he was nominated as an accused on the basis of a disclosure statement.

On a pointed query put to learned State counsel as to whether any recovery of contraband was made by the police when the petitioner was apprehended in the other pending case under the NDPS Act, he, on instructions, has replied in negative.

It has also been brought to the notice of this Court that identically placed co-accused Gurpal Singh alias Hussan and Harjinder Singh @ Jagga have since been extended the concession of bail vide orders dated 19.04.2024 and 23.04.2024 (Annexures P-10 and P-11) respectively.

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

The petitioner has been in custody since 12.03.2024. The investigation qua the petitioner is complete and even charges stand framed. None of the 28 witnesses, as also conceded by learned State counsel, on instructions, have been examined till date; the trial would, therefore, take considerable time to conclude. It has also not been disputed by learned State counsel that no recovery of any contraband, much less heroin, was ever effected from the petitioner in the present case.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is allowed and 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.

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

December 12, 2024
sanjeev

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