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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-43427-2023 (O&M)
Date of Decision:- 22.02.2024

ROSHAN SINGH

Versus

...Petitioner(s)

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Chahit Bansal, Advocate for the petitioner.
Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
56	26.05.2023	15 of the NDPS Act	Dirba, District Sangrur

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case on the alleged disclosure statement made by co-accused and the evidentiary value of such disclosure statement is debatable. He submits that no recovery has been effected from the petitioner. He further submits that although there are 2 other cases registered against the petitioner, however, he is on bail in

both of them. He submits that challan has already been presented in Court and as such prays for grant of regular bail to the petitioner.

3. *Per contra*, learned State counsel has not disputed the factual matrix but has submitted that considering the nature and gravity of the offence, the petitioner does not deserve the concession of bail. He has however, admitted that no recovery has been effected from the petitioner in this case.

4. Heard.

5. After considering the respective submissions and perusing the record, it transpires that the petitioner has been nominated in the present case on the disclosure statement of co-accused, who were apprehended by the police along with 80 kg of poppy-husk. The petitioner was arrested on 09.06.2023 and since then he is in custody. No recovery has been effected from the petitioner. The prosecution has cited 15 witnesses but none has been examined till date. The conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time and considering the fact that no recovery has been effected from the petitioner, no purpose would be served by detaining the petitioner in custody any longer.

6. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate 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.

7. 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.

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

9. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

22.02.2024
S.Sharma(syr)

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