

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

CRM-M-44111-2023 (O&M)
Date of Decision:-9.4.2024

Sham Lal ... Petitioner
Versus
Union of India ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.S. Rana, Advocate and
Mr. Arvind Kumar Sharma, Advocate for the petitioner.

Dr. Anju Sharma, Advocate for the respondent – UOI.

Mr. Gauravdeep Singh Dhaliwal, AAG, Punjab.

FIR No.	Dated	Police Station	Section/s
55	29.08.2021	NCB, Sector 25, Chandigarh	8, 20, 25, 29 & 60 of Narcotic Drugs and Psychotropic Substances Act, 1985

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. As per the case of prosecution, a secret information was received by the police on 29.8.2021 that 2 persons namely Ravi Vijay and Digvijay Singh Shekhawat residents of Rajasthan were bringing ‘charas’ from Himachal Pradesh and would be crossing the Tax Barrier Ghanuli, District Ropar,

Punjab. Pursuant to receipt of said information, barricades were laid at the tax barrier. The police was able to apprehend a car bearing registration No.CH-01AH-0640, in which there were 2 occupants, who disclosed their names as Ravi Vijay and Digvijay Singh Shekhawat. The search of boot of the car led to recovery of 1.550 kilograms of 'charas'. It is further the case of the prosecution that upon interrogation, the said persons disclosed that they have procured the aforesaid intoxicant from Akshay and from petitioner Sham Lal.

3. Short reply by way of affidavit of Shri Paramjeet, Intelligence Officer, Narcotics Control Bureau (NCB), Chandigarh has been filed by learned counsel representing the respondent - UOI, which is taken on record.
4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and that neither he was present at the spot nor any recovery whatsoever was ever effected from him and that a disclosure statement can hardly be said to be credible evidence so as to establish the allegations now being levelled against the petitioner.
5. Opposing the petition, learned State counsel has submitted that since it is a case where two co-accused from whom a commercial quantity of contraband had been recovered, have specifically named the petitioner to be the supplier and, as a matter of fact, upon interrogation, the petitioner himself had confessed his guilt, his complicity is clearly evident. Learned State counsel has informed that the petitioner, as on date, has been behind bars since the last more than 2 years and 7 months and that he otherwise is not involved in any other case. It has also been informed that as on date out of cited 13 PWs, 4 PWs have been examined.

6. This Court has considered rival submissions addressed before this Court.
7. Admittedly, it is a case where the petitioner has been nominated on the basis of a disclosure statement and no recovery whatsoever was ever effected from him and nor he was present at the spot. The petitioner has been behind bars for a substantial period of more than 2 years and 7 months and enjoys a clean record. Conclusion of trial is likely to consume time inasmuch as only 4 PWs out of the cited 13 PWs have been examined so far. In these circumstances, further detention of the petitioner will not serve any useful purpose..
8. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9.4.2024
Geeta/P

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No