



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

CRM-M-46837-2024 (O&M)
Date of Decision:- 24.09.2024

Mohammad Shehzad ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Chandan Singh Rana, Advocate, for the petitioner.
Mr. Japjot Singh, AAG, Punjab.

FIR NO.	DATE	POLICE STATION	OFFENCES
223	14.10.2020	Division No.7 Ludhiana	22 and 29 of NDPS Act and Sections 52-A, 54 of Prisons Act, 1894

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, on 14.10.2020 a lab Technician namely Ranjit Singh posted in Central Jail, Ludhiana was apprehended while he was possessing 1750 intoxicant tablets of



Alprax and a mobile phone while he was present in jail. During the course of interrogation, he disclosed that the aforesaid mobile phone and contraband was to be delivered to jail inmates Babbu Bharti and Mohd. Shehzad (petitioner).

3. Learned counsel for the petitioner submits that he has falsely been nominated as an accused on the basis of disclosure statement of co-accused Ranjit Singh from whom recovery of 1750 intoxicant tablets was effected. It has been submitted that the allegation being levelled against the petitioner is that aforesaid Ranjit Singh had procured the contraband so as to deliver the same to the petitioner. Learned counsel submits that the very fact that the recovery from co-accused has been effected from jail premises shows that it is apparently a false case as it is highly unlikely that the contraband could have been smuggled into the jail. It has further been submitted that in any case, no contraband was ever recovered from the petitioner and it is one Ranjit Singh from whom the same was recovered who subsequently stated that the same was to be delivered to the petitioner.
4. Opposing the petition, learned State counsel submitted that since it is a case of recovery of intoxicant tablets from the co-accused who has named the petitioner to be the person at whose instance the contraband had been smuggled into the jail premises the complicity of the petitioner is clearly evident. Learned State counsel has however, informed that the petitioner has been behind bars since the last about

3 years 8 months and 13 days and stands involved in several other cases registered under NDPS Act. It has also been informed that as on date 4 out of cited 19 PWs have been examined.

5. This Court has considered rival submissions addressed before this Court.
6. Admittedly, the petitioner was not found in possession of any drugs. It is one Ranjit Singh lab technician who was found in possession of contraband who subsequently made a disclosure statement to the effect that the same had been procured at the instance of the petitioner. The veracity of such like disclosure statement would certainly be debatable. Conclusion of trial is likely to consume time as only 4 out of cited 19 PWs have been examined till date. Under these circumstances, further detention of the petitioner would not serve any useful purpose. 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.

24.09.2024

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(GURVINDER SINGH GILL)
JUDGE

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