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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 52827 of 2023
Date of Decision:-23.01.2024

SUKHPREET SINGH @ SUKHA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. P.S.Punia, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG Punjab.

.....

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed custody certificate dated 22.01.2024, the same is taken on record. Copy thereof has been supplied to the counsel opposite.

2. 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
208	07.09.2022	22 of NDPS Act	Samana, Patiala

3. 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

submits that petitioner was not named in the FIR but was nominated on the basis of the disclosure statement made by the co-accused Prabhjot Singh from whom the contraband was recovered. He submits that no recovery has been effected from the petitioner and no other case is pending against the petitioner under the NDPS Act. Co-accused Prabhjot Singh has already been granted concession of bail by this Court in CRM-M-51388-2022 vide order dated 27.03.2023 (Annexure P-2). The petitioner is in custody since 24.04.2023, challan has been presented in court, as such he prays for grant of concession of bail to the petitioner.

4. On the other hand learned State counsel has opposed the bail application by arguing that considering the nature and gravity of the offence he is not entitled to concession of bail. However, he has admitted that the petitioner was not named in the FIR but was nominated on the basis of the disclosure statement made by the co-accused Prabhjot Singh and challan has been presented in Court and on instructions from ASI Jarnail Singh learned State counsel submits that 8 witnesses has been cited by the prosecution and none of them have been examined till date.

5. After considering the respective submissions and perusing the record, it transpires that petitioner was nominated on the basis of disclosure statement made by the co-accused Prabhjot Singh and no recovery has been effected from him and no other case under NDPS Act is pending against the petitioner. Admittedly, co-accused Prabhjot Singh on whose disclosure statement the petitioner was nominated in the present case has been granted concession of bail vide order dated 27.03.2023 (Annexure P-2).The

petitioner is in custody since 24.04.2023, Challan has been presented in Court and charges have been framed and out of 8 witnesses cited by the prosecution none of them have been examined till date. The conclusion of trial will take sufficient long time to ascertain the criminal liability, if any of the petitioner which will take sufficient long time and no useful purpose would be served by keeping the petitioner behind bars any longer.

6. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in 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.

7. The petition stands allowed.

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. Anything contained here in above shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

23.01.2024
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No