

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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2024:PHHC:054859

CRM-M-55604-2023

Date of decision: April 23rd, 2024

Harjinder Singh @ Jagga

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jaiteshwar S. Bhandari, Advocate
for Mr. Prabhdeep Singh Bhandari, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.118 dated 21.07.2023 under Sections 21, 25, 29 of the NDPS Act, 1985, registered at Police Station Kamboj, District Amritsar Rural.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been arraigned as an accused on the disclosure statement allegedly suffered by co-accused from whom recovery of 975 grams of heroin was affected pursuant to a secret information. Learned counsel submits that the evidentiary value of such disclosure statement is of a weak nature and all this requires to be appreciated in the light of the petitioner having clean antecedents as he is not involved in any other criminal case much less under the NDPS Act. Learned counsel has also submitted that as per the case of the prosecution, a secret information was received, however, admittedly the petitioner was not named in the said secret information. It has still

further been submitted that when the petitioner was arrested on 05.08.2023, no recovery of any contraband much less heroin was affected either from his conscious possession or pursuant to any disclosure statement made by him. Learned counsel has thus prayed that in the aforementioned facts and circumstances, since the investigation in the case at hand is complete, his further incarceration would serve no useful purpose, more so since the trial would take considerable time to conclude.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that no secret information had been received qua the involvement of the petitioner in drug trafficking nor was any recovery of any contraband much less heroin affected from his conscious possession or pursuant to a disclosure statement made by the petitioner when he was arrested on 05.08.2023. However, it has been submitted that the name of the petitioner surfaced in the disclosure statement suffered by the co-accused from whom the recovery of 975 grams of heroin was affected.

4. On a pointed query put to the learned State counsel, he on instructions from ASI Balkar Singh, has not disputed that the petitioner is not involved in any other criminal case much less under the NDPS Act. He, on further instructions, has informed the Court that as many as 28 witnesses have been cited by the prosecution and the next date fixed before the trial Court is 23.07.2024 when the charges are likely to be framed.

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

6. As not disputed by the learned State counsel, no recovery of any narcotic substance was affected from the petitioner nor is he involved in any other criminal case. There is no likelihood of the trial concluding in the near future.
7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail 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.
8. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

April 23rd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No