



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

(241)

**CRM-M-53136 of 2024
Date of Decision: 27.11.2024**

Baljit Singh alias Amli Thekedar

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ritesh Pandey, Advocate, for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.(ORAL)

1. The petitioner is seeking the concession of bail pending trial under Section 483 of the BNSS in case FIR No.83 dated 06.09.2023 under Section 22 of the NDPS Act, 1985 later on Section 29 NDPS Act, added at P. S. Fatehgarh Churian, District Batala, Punjab.

2. Learned counsel for the petitioner submits that the false implication of the petitioner in the instant case is evident from the fact that firstly he was not alleged to be present with the co-accused Tarsem Lal from whom recovery of 990 tablets of Alprazolam was allegedly effected and secondly he came to be nominated as an accused pursuant to disclosure statement suffered by co-accused Tarsem Lal ; the evidentiary value of the disclosure statement made by co-accused is of a weak nature and it also needs to be appreciated in the light of no recovery of any contraband having been effected from the petitioner when he was arrested on 28.01.2024. Learned counsel has asserted that there is no likelihood of the trial concluding in the



near future as only 4 prosecution witnesses out of the 12 have been examined so far. A prayer has therefore been made to extend the concession of bail to the petitioner moreso, when the alleged recovery is just marginally higher than the minimum classified as commercial for Alprazolam under the Act.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite has not been able to dispute the factual aspect of the submissions made by the counsel opposite that neither was any secret information received qua the petitioner, nor was the petitioner alleged to be accompanying the co-accused Tarsem Lal when the latter was apprehended by the police leading to the recovery of the alleged contraband and furthermore, the petitioner came to be nominated as an accused pursuant to a disclosure statement suffered by co-accused Tarsem Lal. However, learned State counsel on instructions has submitted that the petitioner has earlier also been involved in one case under the NDPS Act, in the year 2023, coupled with the fact that in the disclosure statement allegedly suffered by co-accused Tarsem Lal, it surfaced the recovered contraband had been sold to him by none other than the petitioner.

4. I have heard learned counsel for the parties and perused the relevant material on record.

6. It has not been disputed by the learned State counsel that no recovery of any contraband effected from the petitioner after he was arrested on 28.01.2024. There are 8 prosecution witnesses who still remained to be examined, hence, the possibility of the trial taking some time cannot be ruled out. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.



7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds 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 add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

27.11.2024
anil

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No