

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

229

CRM-M-53697-2024 (O&M)
Date of Decision:- 16.12.2024

ARUN KUMAR

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Status report dated 14.12.2024 filed in the form of an affidavit of Assistant Commissioner of Police, West, Jalandhar, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
122	09.07.2022	21, 22 and 29 of the NDPS Act	Bhargo Camp, District Jalandhar

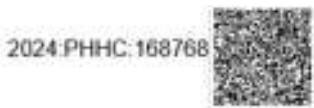
4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case on



the basis of disclosure statement of co-accused Mandeep Singh @ Mani, when the petitioner was already in custody in case FIR No.99 dated 19.10.2023 registered under Section 21 of the NDPS Act, at Police Station Bhargo Camp. He submits that no recovery has been effected from him and he is in judicial custody since 13.11.2023. He further submits that similarly situated co-accused Varun has been granted the concession of bail by this Court vide order dated 14.10.2024 passed in CRM-M-14031-2024. Thus prays for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the status report submitted by the State has opposed the petition on the ground that the petitioner was specifically nominated as supplier of the contraband during the disclosure statement of co-accused Mandeep Singh @ Mani, who was apprehended with commercial quantity of contraband.

6. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered consequent upon the arrest of the co-accused Mandeep Singh @ Mani from whom recovery of 80 grams of heroin and 255 grams of intoxicant powder was allegedly effected. During his interrogation, he is alleged to have made a disclosure statement naming the petitioner Arun and co-accused Varun as suppliers of the contraband. However, admittedly consequent upon the arrest of the petitioner and co-accused Varun, no recovery has been effected from them. ASI Avtar Singh, Investigating Officer of the case, present in Court admits the factum that no recovery has been effected from the petitioner. The petitioner is in custody since 13.11.2023 and after the completion of investigation, challan has been



presented in Court. The prosecution has cited 11 witnesses and till date only 2 witnesses have yet been examined. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate 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.

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. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

16.12.2024
S.Sharma(syr)

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