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

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CRM-M-54626-2024 (O&M)

Date of decision: 04.12.2024

Ashish Kumar @ Ashu Dangi**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Kuldeep Singh Siwach, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 439 of Cr.P.C. seeking regular bail in case bearing FIR No. 14 dated 12.03.2021, registered under Sections 21, 22(c), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Rureke Kalan, District Barnala.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 12.03.2021, a police party headed by SI Kuldeep Singh was on patrolling duty. They received a secret information to the effect that Harpreet Singh and Lakhwinder Singh used to bring intoxicant drugs from other States and supply the same in adjoining villages. It was further informed that on that day, they were going on a motorcycle bearing registration number PB-19-J-3057 to village Mehta for selling intoxicant drugs. Believing the information to be true, the police party reached at the informed place and apprehended the aforesaid co-accused and recovered 20 vials of Wincirex

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containing 100 ml each and 200 intoxicant tablets from their possession. They were formally arrested at the spot. During the course of investigation, on the basis of disclosure statements of aforesaid co-accused, recorded on 13.03.2021, one Lakhveer Singh was nominated as accused in this case. He was arrested on the same day. During his interrogation on 15.03.2021, he named the present petitioner and accordingly, the present petitioner was also nominated as accused in this case and arrested on 03.09.2024 by way of production warrant. After completion of necessary investigation and usual formalities, *challan* under Section 173 of Cr.P.C. was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid mentioned offences. He had moved an application before the learned trial Court for grant of regular bail but the same had been dismissed, vide order dated 07.10.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. No recovery has been effected from him. He was not found at the spot and has been involved in this case on the basis of the disclosure statement made by the co-accused, which is not admissible in law against the petitioner. To fortify this argument, learned counsel for the petitioner has relied upon the authority of Hon'ble Supreme Court rendered in ***Tofan Singh vs. State of Tamil Nadu : (2021) 4 SCC 1***. It is further argued that the petitioner is not involved in any other case under the NDPS Act. Co-accused Harpreet Singh and Lakhwinder Singh, who were arrested at the spot and from whom the aforementioned contraband was recovered, have already been granted the concession of regular bail, vide

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common order dated 21.12.2022 passed by this Court in **CRM-M-19769 & 21512-2021**. Even co-accused Lakhveer Singh, on the basis of whose disclosure the petitioner was nominated in this case, has been granted concession of regular bail by this Court, vide order dated 07.03.2022 passed in **CRM-M-31502-2021**. Hence, on the ground of parity, the petitioner too deserves to be given the same benefit. More so, the investigation has since been completed and challan has been presented. The trial is likely to take a long time. No useful purpose would be served by keeping the petitioner in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has already been filed by the respondent-State. It is submitted therein and learned State counsel has argued that though the petitioner was nominated in this case on the basis of the disclosure suffered by the co-accused but during the course of investigation, his involvement in the subject crime was duly established. It is, thus, argued that the petition is liable to be dismissed.

5. I have learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner has been nominated in this case on the basis of the disclosure made by co-accused Lakveer Singh, who himself was nominated by co-accused Harpreet Singh and Lakhwinder Singh, who were arrested at the spot and from whom the aforementioned contraband was recovered. A perusal of the record reveals that co-accused Harpreet Singh, Lakhwinder Singh and Lakhveer Singh have already been granted the concession of

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regular bail by this Court as mentioned above. The petitioner is in custody since 03.09.2024. He is not shown to be involved in any other case under the NDPS Act. The trial is likely to take time. Therefore, keeping in view the discussion as made above, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore and he also deserves the benefit of regular bail. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

04.12.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

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