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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-57870 of 2023
Date of decision:- 24.01.2024

PUNJAB SINGH ALIAS PANJABU

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present:- Mr. Puran Singh Hundal, Sr. Advocate with
Mr. Gursahib Singh Hundal, Advocate
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under
Section 439 of the Code of Criminal Procedure for grant of regular in the
following case :-

FIR No.	Dated	Sections	Police Station
419	17.06.2023	21-C, 22-C, 29 of NDPS Act	Assandh, District Karnal.

2. It is *inter alia* contended by learned Senior counsel for the
petitioner that the petitioner is innocent and has been falsely implicated in
this case. He submits that even as per the case of the prosecution no
recovery has been effected from the petitioner nor he has been named in the

the FIR. He submits that petitioner was nominated in the present case on the basis of disclosure statement of co-accused Bakhshish Singh who was apprehended on the spot and the admissibility of such disclosure statement is highly debatable. He contends that the petitioner is in custody since 19.06.2023, challan has already been presented in Court and no purpose would be served by detaining petitioner any longer. Hence he prays for grant of concession of bail to the petitioner.

3. Learned State counsel has filed the status report dated 12.12.2023 in the form of an affidavit of Deputy Superintendent of Police, Assandh, Karnal, and has not disputed the factual matrix of the case and submits that the petitioner was not named in the FIR, however he was nominated on the basis of disclosure statement of Bakhshish Singh, who was apprehended on the spot along with contraband. He has also not disputed the fact that no recovery has been effected from the petitioner and also the fact that challan has since been presented in court and case is pending for trial.

4. After considering the rival contentions and perusing the record, it transpires that petitioner was not named in the FIR and infact one Bakshish Singh-co-accused was apprehended by the police and from his possession contraband in the form of 900 capsule of Tramadol were recovered which he was carrying without any licence or permit. Consequent upon the disclosure statement made by said Bakshish Singh, petitioner was nominated in the case and was arrested on 19.06.2023, however, admittedly no recovery was effected from the petitioner. The evidentiary value of the alleged disclosure statement is debatable and no other case under NDPS is registered against the petitioner. Challan has already been presented wherein

the prosecution has cited as many as 18 witnesses. The conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time and no useful purpose would be served by keeping the petitioner behind bars any longer.

5. 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.

6. 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.

7. Anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

24.01.2024

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

Yes/No
Yes/No