

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-55504 of 2024 (O&M)

Date of Decision: 13.11.2024

Babbu Bharti

State of Punjab

VERSUS

.....PETITIONER

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Meenu Verma, Advocate for petitioner.
(through Video conferencing).

Mr. Prabhdeep Singh Dhaliwal, AAG Punjab.

FIR No.	Dated	Police Station	Section/s
223	14.10.2020	Division No.7, Ludhiana	22, 29, 61, 85 of NDPS Act read with Section 52-A(1) and 54 of Prison Act.

GURVINDER SINGH GILL, J. (Oral)

- Petitioner-Babbu Bharti seeks grant of regular bail in respect of above mentioned FIR.
- As per the case of prosecution, Technician - Ranjit Singh posted in Central Jail, Ludhiana, was intercepted and his search yielded recovery of 1750 intoxicant tablets of ‘Alprax’ (*alprazolam*) apart from a mobile phone. It is the case of prosecution that during the course of interrogation he disclosed that the said tablets were to be delivered to Babbu Bharti and Mohd. Shehzad, both of

whom were lodged in jail. It is further the case of the prosecution that when Babbu Bharti and Mohd. Shehzad were interrogated, they admitted that they had asked Ranjit Singh to procure the intoxicating tablets for them.

3. Learned counsel for the petitioner submits that the petitioner as well as co-accused Mohd. Shehzad were admittedly confined in jail when some official posted in Central Jail was apprehended by the police while in possession of the contraband and who as per the police had nominated the petitioner as a person, at whose instance he had brought the contraband. It has been further submitted that such like allegations can very conveniently be levelled against any of the jail inmate and that in the absence of any other connecting evidence no reliance can be placed upon such like disclosure statement. Learned counsel submitted that the petitioner has already been behind bars since the last more than 3 years, 8 months and 19 days and since identically situated co-accused Mohd. Shehzad has already been granted bail, the petitioner also deserves the same concession on grounds of parity.
4. Opposing the petition, learned State counsel submitted that having regard to the specific disclosure statement against the petitioner and also his track record inasmuch he happens to be involved in 8 other cases including one case under NDPS Act, his complicity is clearly evident. It has been informed that the petitioner as on date has been behind bars since the last more than 3 years, 8 months and 19 days and that as on date 4 PWs out of the cited 19 PWs have been examined.
5. This Court has considered rival submissions addressed before this Court.
6. Admittedly, it is from the co-accused from whom the contraband was recovered

The petitioner at that point of time was confined in jail and, as such, the question as regards his involvement in the case would be debatable. The petitioner has been behind bars for a substantial period of more than 3 years, 8 months and 19 days. Conclusion of trial is likely to take some time inasmuch as only 4 PWs out of the cited 19 PWs have been examined so far. The co-accused Mohd. Shehzad has already been granted bail. Under these circumstances, the petitioner also deserves the same concession.

7. The instant petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

13th November, 2024
reema

(GURVINDER SINGH GILL)
JUDGE

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