

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-59718-2024
Date of decision:-12.09.2024

ARSHDEEP SINGH @ FAUJI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Ashish Kaushik, Advocate for the petitioner.
Mr. Adesh Pal Singh, AAG, Punjab.

SANJIV BERRY, J.(ORAL)

Report of trial Court dated 09.08.2024 received, the same is
perused and taken on record.

2. The instant petition has been preferred by the petitioner under
Section 439 of the Criminal Procedure Code for grant of regular bail in the
following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
178	27.12.2022	21-C, 25 NDPS Act (29 NDPS Act added later on)	Majitha Road Police Commissionerate, Amritsar.

3. 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 alleged disclosure statement given by the co-accused Suraj nominating him as one of the accused. He contends that the petitioner is in custody since 03.01.2023 and no recovery after his arrest has been effected from him, after completion of investigation, challan has already been presented in Court. Hence, he prays for grant of regular bail to the petitioner.

4. On the other hand, learned State counsel, referring to the reply submitted by the State has opposed the bail petition by arguing that it had come during the investigation of co-accused Suraj that the petitioner used to supply narcotics to him, as such he does not deserve concession of bail. However, he admitted that no recovery had been effected from the petitioner in this regard.

5. After considering the submissions made by both the sides and perusing the record, it transpires that in the case FIR (Annexure P-1) the police had arrested accused Suraj Kumar, who during his interrogation made disclosure statement on 29.12.2022 to the effect that he used to procure narcotics from the present petitioner who was actively involved in the business. However, consequent upon the arrest of the petitioner on 03.01.2023 no recovery was effected from the petitioner in the present case. Admittedly after completion of investigation challan has since been presented in Court for trial and the witnesses are being examined. The conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner.

6. Keeping in view the fact that no recovery of contraband has been effected from the petitioner, in these circumstances, no purpose would be served by detaining the petitioner any longer in custody, as a result, the



present petition is allowed. The petitioner is ordered to be released on regular 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.

7. 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.

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

(SANJIV BERRY)
JUDGE

12.09.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |