

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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2024:PHHC:050023

CRM-M-60414-2023

Date of decision: April 15th, 2024

Navjot Singh @ Jyoti

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kanwaljeet Singh, Advocate
with Mr. Satvir Singh, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.65 dated 05.05.2023 under Section 22 of the NDPS Act (Section 29 of the NDPS Act added later on) registered at Police Station Doraha, District Khanna.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated in the case in hand on the basis of a disclosure statement allegedly suffered by co-accused Gurdeep Singh from whom a recovery of 270 grams of Tramadol was allegedly affected. Learned counsel submits that the disclosure statement on the basis of which the petitioner has been nominated as an accused has very weak evidentiary value and all this needs to be appreciated in the background of no recovery of any contraband having been affected from his conscious possession after he was arrested in the present case on 11.05.2023. Learned counsel submits that there is no

likelihood of the trial concluding in the near future as after the charges were framed on 03.01.2024, none of the 13 witnesses cited by the prosecution had been examined.

3. On a pointed query put to the learned counsel for the petitioner as to whether he has any criminal antecedents, he has fairly submitted that one other FIR was lodged against him under the NDPS Act on 10.05.2023, wherein he was shown to be carrying 5 grams of heroin.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Kuldeep Singh, has not been able to dispute that the petitioner was not accompanying the co-accused Gurdeep Singh from whom alleged recovery of 270 grams of Tramadol was affected. It has also not been disputed by the learned State counsel that the name of the petitioner surfaced in a disclosure statement made by co-accused Gurdeep Singh. Learned State counsel has submitted that four days after the present FIR was registered, when the petitioner was arrested, he was found carrying 5 grams of heroin, which led to the registration of another case against him.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. As not disputed by the learned State counsel, the petitioner was nominated as an accused pursuant to the disclosure statement allegedly suffered by co-accused from whom recovery of 270 grams Tramadol was affected. The trial would take time to conclude as prosecution evidence is yet to commence.

7. Hence, in the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

April 15th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No