

S. No.222

2024:PHHC:041386

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

CRM-M-60636 of 2023

Date of Decision:21.03.2024

Baldev Singh alias Debu

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Kuldip Singh, Advocate for the petitioner.

Mr. G.P.S. Bhullar, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.3 dated 15.01.2023 registered under Sections 21, 23 and 29 (Act No.61 of 1985) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') at Police Station Amir Khas, District Fazilka.

As per prosecution allegations, on the basis of secret information, co-accused Tejinder Pal Singh @ Teja, Amarjit Singh @ Amri, Major Singh and Salwinder Singh @ Kali were apprehended and total recovery of 40 grams of heroin was effected from them. It is further alleged that during interrogation, co-accused Tejinder Pal Singh nominated the petitioner to be one of the supplier and the co-conspirator.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated simply on the basis of disclosure statement of co-accused which is not admissible; that no recovery was effected from the petitioner; that the alleged recovery from the co-accused falls in the non-commercial category; that

petitioner is in custody for the last more than four months and so he be allowed bail as trial may take long time to conclude.

Learned State Counsel has opposed the bail petition by pointing out towards the criminal antecedents of the petitioner, who is involved in numerous other cases and is also a convict in one of the case pertaining to the NDPS Act.

It is no doubt true that the petitioner has bad criminal antecedents as per the custody certificate placed on record and he is also a convict in NDPS matter arising out of FIR No.179 dated 12.07.2018 registered under Sections 21/29 (Act No.61 of 1985) of the NDPS Act and Section 25 (Act No.54 of 1959) of Arms Act, registered at Police Station Sadar Ferozepur but it is the conceded position that no recovery was effected from the petitioner in this case and he has been nominated in this case only on the basis of disclosure statement of co-accused.

Learned State Counsel also concedes the fact that apart from the disclosure statement of the co-accused, no other incriminating material has been found against the petitioner.

As per the custody certificate placed on record, petitioner is in custody for the last 04 months and 17 days.

Learned State Counsel also informs that though the challan has been filed but even the charges are yet to be framed and thus, not even a single witness has been examined so far out of 10 witnesses cited by the prosecution. Thus, trial is likely to take long time to conclude. It is also conceded by learned State Counsel that recovery effected from the co-accused falls in the non-commercial category.

Having regard to all the afore-said facts and circumstances of the case, but without commenting anything on the merits of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

March 21, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No