



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(243)

CRM-M-56688 of 2024  
Date of Decision: 27.11.2024

Saraj Singh .....Petitioner

Versus

State of Punjab ..... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. B. S. Kathuria, Advocate, for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

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**MANJARI NEHRU KAUL, J.(ORAL)**

1. The petitioner is seeking the concession of bail under Section 439Cr.P.C/483 of the Bharatiya Nagrik Suraksha Sanhita, 2023, in case FIR No.66 dated 30.05.2022 under Sections 21, 29 of the NDPS Act, 1985 registered at Police Station Kulgarhi, District Ferozepur.
2. Learned counsel for the petitioner submits that the FIR in question came to be registered on 30.05.2022 against co-accused Darbara Singh from whose possession a recovery of 255 Grams of Heroin was allegedly effected. The petitioner was not even accompanying co-accused Darbara Singh at the time of the alleged recovery, however, almost one month later co-accused Darbara Singh allegedly suffered a disclosure statement nominating the petitioner as being supplier of the recovered contraband.
3. Learned counsel has argued that petitioner was not even aware about his nomination as an accused in the present case, as recently as on 29.08.2024 that the petitioner was arrested pursuant to the disclosure



statement allegedly suffered by co-accused Darbara Singh. Learned counsel for the petitioner has submitted that the strangely the petitioner was not even *challaned* by the investigating agency whereas co-accused Darbara Singh was *challaned* in the present case and faced trial leading to his conviction on 21.05.2024 by the learned trial Court at Ferozepur. It has been submitted that no recovery of any contraband much less Heroin was effected from him which further lends credence to his false implication in the present case. On a pointed query put to the learned counsel as to whether any proceedings under Section 82 of the Cr.P.C. had been initiated against him in the preceding two years before his arrest, he has categorically replied in the negative. It has further been submitted that investigation in the present case is complete and not only *challan* stands presented qua him but even charges have been framed, hence, his further incarceration in the aforementioned facts and circumstances would serve no useful purpose more so when so many witnesses had been cited by the prosecution.

4. Learned State counsel while opposing the prayer and submissions made by the counsel opposite has not disputed the factual aspect of the submissions made by the counsel opposite; it has also not been disputed on instructions that even though the petitioner was nominated as an accused on the basis of disclosure statement suffered by co-accused Darbara Singh from whom alleged recovery of 255 grams of Heroin was effected, however, it was only co-accused Darbara Singh who was *challaned* and who faced the trial leading to his conviction on 21.05.2024. Learned State counsel on further instructions has also not controverted the submissions made by the counsel opposite that no proceedings under Section 82 Cr.P.C. were ever initiated against the petitioner. On a pointed query put to the learned State counsel as



to whether any recovery of contraband was effected from the petitioner on being arrested on 29.08.2024, he on instructions has categorically replied in the negative; learned state counsel has also not controverted that the petitioner has no previous criminal antecedents.

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

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds 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 add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

27.11.2024  
anil

(MANJARI NEHRU KAUL)  
JUDGE

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