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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-102-2024

Date of decision:- 30.01.2024

HARPREET SINGH @ HAPPY

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Nitin, Advocate for
Mr. Kuldip Singh, Advocate for the petitioner.
Mr. Sarabjit Singh Cheema, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

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

FIR No.	Dated	Sections	Police Station
0102	28.07.2023	21/23/28/29/30 of NDPS Act.	Sadar Jalalabad, District Fazilka

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner was not named in the FIR and has been falsely implicated in this case on the alleged disclosure statement made by accused Vikram Singh who was apprehended by the police carrying 1 kg. of heroin. He contends that said Vikram Singh has already been granted concession of bail

being child in conflict. He submits that petitioner was arrested on 15.10.2023 and no recovery has been effected from him, as such he prays for grant of concession of bail.

3. *Per contra* learned State counsel has not disputed the factual matrix of the case and contends that the petitioner was nominated on the basis of disclosure statement made by accused Vikram Singh, however he admits that no recovery was effected from petitioner in this case.

4. After considering the rival contentions and perusing the record, it transpires that FIR was originally registered on the basis of secret information against Vikram Singh, Davinder Singh and Surjit Singh on the allegations that they were smuggling heroin from across the border and selling the same and on the basis there of, a raid was conducted on the residence of Vikram Singh and 1 kg. of heroin was recovered. During his interrogation, he made disclosure statement nominating the petitioner who was later arrested on 15.10.2023, however no recovery was effected from him. Challan has already been presented in the Court and disposal thereof, will take sufficient long time to ascertain criminal liability, if any, of the petitioner and no useful purpose would be served by keeping the petitioner behind bars any longer.

5. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on 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.

6. 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.

7. Anything contained herein above shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

30.01.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No