



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

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CRM-M-219-2025

Date of decision: 14.01.2025

GURDEEP SINGH ALIAS DEEPU

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Japjit Singh Johal, Advocate, for the petitioner.

Mr.Amit Rana, Sr.DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 in case FIR No.209 dated 09.10.2024 under Section 22 of the NDPS Act, 1984 (Section 29 added later on) registered at Police Station Dasuya, District Hoshiarpur.

2. Learned counsel for the petitioner contends that the petitioner's false implication in the present case is evident from the fact that firstly he was neither alleged to be accompanying co-accused Munish Kumar when recovery of 110 grams of Alprazolam was allegedly affected from him nor is it the case of the prosecution that he was anywhere in the vicinity when the police intercepted co-accused Munish Kumar on suspicion. Learned counsel has asserted that the petitioner came to be arraigned as an accused in the present case in an alleged disclosure statement suffered by co-accused Munish Kumar, who claimed that the recovered contraband had been procured through the petitioner. Learned



counsel submits that the petitioner has no previous criminal antecedents which further lends credence to his innocence. It has further been argued by the learned counsel that the disclosure statement on the basis of which the petitioner has been nominated as an accused in the present case holds little evidentiary value. It has still further been submitted that charges already stand framed in the present case, however none of the 12 prosecution witnesses have been examined so far. Hence, the trial is unlikely to conclude in the near future.

3. Per contra, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Sarabjeet Singh, has not disputed the factual aspect of the role attributed to the petitioner in the FIR in question nor has he disputed the custody period as well as the stage of trial. However, learned State counsel, on instructions, has submitted that the petitioner came to be nominated as an accused pursuant to a disclosure statement made by co-accused Munish Kumar, who categorically stated that the recovered contraband i.e. 110 grams of Alprazolam has been supplied to him by the petitioner. It has been further contended by the learned State counsel that the recovered contraband has been classified as commercial under the Act.

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

5. The petitioner is not stated to be involved in any other criminal case much less under the NDPS Act. Challan stands presented

and even charges stands framed in the present case. The prosecution evidence has not yet commenced, therefore, the trial would take considerable time to conclude. As per instructions received by the learned State counsel, even when the petitioner was arrested on 10.11.2024, pursuant to the alleged disclosure statement, no recovery of any contraband was made from him.

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 and 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.

January 14, 2025
poonam

(MANJARI NEHRU KAUL)
JUDGE

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