

CRM-M-1396-2025

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2025:PHHC:044825



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

CRM-M-1396-2025

Date of Decision:02.04.2025

AMRITPAL SINGH

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. Pooja Dhingra, Advocate
for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioner in case having FIR No.87 dated 06.08.2024 registered for the offences punishable under Sections 21-C, 29, 61, 85 of NDPS Act at Police Station Nathana, Bathinda.

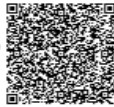
2. The allegations in brief are that on 06.08.2024, police apprehended co-accused Harshdeep Singh, Manpreet Singh son of Avtar Singh and Manpreet Singh son of Jasmander Singh while they were travelling in a Verna Car No.HR-51-AU-4657 and on search of said car, one polythene bag containing 402 grams of heroin was recovered. All



three of them were arrested at the spot. During interrogation, co-accused Manpreet Singh son of Avtar Singh suffered disclosure statement against the present petitioner with regard to his involvement in the drug trafficking. Consequently, the petitioner was nominated as an accused and arrested on 11.08.2024. During investigation no contraband was recovered at the instance of the present petitioner.

3. Counsel appearing on behalf of petitioner *inter alia* submits that petitioner is falsely named in the present case on the basis of disclosure statement suffered by co-accused Manpreet Singh son of Avtar Singh and the said disclosure statement not being supported by any other incriminating evidence is inadmissible in evidence. It is further submitted that the petitioner, who is having no criminal history is behind bars for the last more than 7 months and during investigation, no contraband or incriminating article was recovered from possession of the present petitioner. It is further submitted that till date only two prosecution witnesses are partly examined out of total 28 witnesses and apparently it will take considerable time for the trial to conclude. In the given circumstances, no fruitful purpose is going to be served by keeping the petitioner in custody for any longer period.

4. The present petition is contested by the State counsel, who on instruction from HC Harvinder Singh submits that police recovered 402 grams of heroin from co-accused Harshdeep Singh, Manpreet Singh son of Avtar Singh and Manpreet Singh son of Jasmander Singh and



thereafter name of the present petitioner surfaced in the disclosure statement of co-accused Manpreet Singh son of Avtar Singh and accordingly the petitioner was nominated as accused and later on arrested on 11.08.2024. However, the State counsel has not disputed the fact that petitioner is having no criminal history and till date only two prosecution witnesses are partly examined out of total 28 witnesses and further the aforesaid disclosure statement suffered by co-accused against the present petitioner is having no independent corroboration in the shape of some call detail records etc.

5. I have considered the submissions made by the counsel for the parties.

6. The veracity and admissibility of the disclosure statement, if any, suffered by co-accused against the present petitioner will be tested during trial. Further the State counsel has not disputed the fact that the said disclosure statement is not supported by any other independent evidence. The petitioner, who is having no criminal antecedents is incarcerated for the last more than 7 months and it will take time for the trial to conclude. Further during investigation, no contraband or incriminating article was recovered at the instance of the present petitioner. No doubt the present case is covered under the stringent provisions of Section 37 of NDPS Act but the same stands diluted in the given facts and circumstances of the case as are detailed above coupled

with the fact that no recovery of contraband was effected at the instance of the present petitioner. It being so, no gainful purpose is going to be served by keeping the petitioner in custody for any longer period.

7. In light of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

02.04.2025

Priyanka Thakur

Whether speaking/reasoned

Whether reportable

(KARAMJIT SINGH)

JUDGE

Yes/No

Yes/No