



237

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

CRM-M-5842-2025

Date of Decision: 06.02.2025

Vishal Kumar

...Petitioner

vs.

State of Punjab

...Respondent

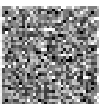
Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Manoj R. Sharma, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.31 dated 08.03.2024 registered under Sections 18(a), 27-A, 29 of NDPS Act, at Police Station Dinanagar, District Gurdaspur.
2. Learned counsel for the petitioner contends that the petitioner was initially not named in the FIR and has been nominated as an accused on the basis of the disclosure statement suffered by his co-accused and the said statement has weak evidentiary value. He further contends that even as per the case of the prosecution, 3.50 mg opium and a sum of Rs.4 lacs were recovered from the co-accused, namely, Sunil and he has already been granted the concession of bail by this Court, vide order dated 30.04.2024 passed in CRM-M-18556-2024 (Annexure P-3). He further contends that no recovery was



effected from the present petitioner and his further custody will not serve any meaningful purpose.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

4. I have heard the learned counsel for the parties and perused the record.

5. The recovery in the present case was effected from Sunil, co-accused, who has already been admitted to bail vide order dated 30.04.2024 (Annexure P-3). The petitioner was arrested on the basis of the disclosure statement suffered by Sunil and his case is on better footing. The petitioner is in custody since 22.12.2024 and is no longer required for the purpose of investigation.

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

06.02.2025
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(N.S.SHEKHAWAT)
JUDGE

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