

224

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-9715-2025
Date of decision:-02.05.2025

RAJPAL SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Ram Bilas Gupta, Advocate for
Ms. Kamaldeep Kaur, Advocate, for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed short reply by way of affidavit dated 01.05.2025 of Deputy Superintendent of Police, Sub-Division Patti, District Tarn Taran, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
59	06.04.2023	21(C),29 of NDPS Act	Sadar Patti, District Taran Tarn

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that petitioner was not named in the FIR but has been nominated on the disclosure statements of co-accused Veerpal Singh and Nishan Singh



from whom recovery of 270 grams of heroin was effected. He contends that petitioner was arrested on 28.08.2024 and no recovery has been effected from him. He contends that co-accused Veerpal Singh and Nishan Singh have since been granted concession of bail by this Court vide order dated 11.03.2025 passed in CRM-M-59667-2023 and CRM-M-59833-2023 respectively. He contends that after completion of investigation challan has already been presented in Court wherein prosecution has cited 14 witnesses and till date only one witness has been examined. Hence prayed for grant of concession of regular bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State, has assailed these arguments by submitting that 270 grams of heroin was recovered from the conscious possession of the co-accused Veerpal Singh and Nishan Singh, which falls within the purview of commercial quantity and in their disclosure statement they have named the present petitioner to be the supplier of the said contraband, as such, he does not deserve concession of bail. However, he has not denied the fact that petitioner was not named in the FIR and after his arrest no recovery has been effected from him and after completion of investigation challan has been presented in the trial Court, in which prosecution has cited 14 witnesses and till date only 1 witness has been examined.

6. After considering the rival contentions and perusing the record, it transpires that petitioner was not named in the FIR but was nominated on the disclosure statement of co-accused Veerpal Singh and Nishan Singh from whom the alleged contraband was recovered. Consequently the petitioner was arrested on 28.08.2024 since then he is in custody and after his arrest no recovery of contraband has been effected from him. Co-accused Veerpal



Singh and Nishan Singh have since been granted concession of bail by this Court vide order dated 11.03.2025 passed in CRM-M-59667-2023 and CRM-M-59833-2023 respectively. After completion of investigation, challan has already been presented in Court wherein prosecution has cited 14 witnesses and till date only one witness has been examined. The conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time, therefore, no purpose would be served by detaining the petitioner any longer in custody.

7. Resultantly, in these circumstances, without commenting on the merits of the case, 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 the evidence of the prosecution in any manner.

8. 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.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

02.05.2025

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