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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-11494-2025
Date of decision:-23.05.2025

JALANDHAR SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Ranwant Singh, Advocate for the petitioner.
Mr. Roshandeep Singh, AAG, Punjab

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed reply by way of affidavit dated 07.04.2025 of Deputy Superintendent of Police, Sub Division Bhagapurana, District Moga, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant second petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure, for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
44	21.05.2022	22 of NDPS Act 29 of NDPS Act added later on	Smalsar, District Moga

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 the petitioner was not named in the FIR but was nominated on the disclosure statement of Gursewak Singh from whom recovery of



contraband was effected. Consequently, petitioner was arrested on 23.08.2023, since then he is in custody and after completion of investigation, challan has already been presented in Court and trial is going on and the conclusion thereof, will take sufficient long time. Hence prayed for grant 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 petitioner has been specifically nominated in the disclosure statement of co-accused Gursewak Singh, hence prayed for dismissal of the bail petition.

6. After considering the rival contentions and perusing the record, it is observed that as per the version of the prosecution, co-accused Gursewak Singh was apprehended on 21.05.2022 by the police and contraband was recovered from him. In his disclosure statement he had nominated the present petitioner as purchaser of the contraband. Consequently, petitioner was arrested on 23.08.2023 and after his arrest no recovery has been effected from him. After completion of investigation, challan has already been presented in Court where it is pending trial. The conclusion of trial to ascertain criminal liability, if any, of the petitioner, will take sufficient long time. The evidentiary value of the disclosure statement is debatable, as such, no purpose would be served by detaining the petitioner any longer in custody.

7. 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 evidence of prosecution in any manner.

8. It is further made clear that in case the petitioner is again 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

23.05.2025

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