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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-13080-2024(O&M)
Date of decision:-23.01.2025

VISHAL SINGH ALIAS HARMAN
... Petitioner
Versus
STATE OF PUNJAB
... Respondent

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

Present:- Mr. Hitesh Verma, Advocate, for the petitioner.
Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

The instant 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 (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
491	21.10.2023	21, 29 NDPS Act	City Barnala, District Barnala

2. Arguments heard.
3. 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 alleged disclosure statement of co-accused Babli & Jaswinder Singh @ Jassi from whom the recovery of contraband was effected, the petitioner



has no concern with the aforesaid co-accused nor has any concern with the alleged transaction. He contends that after being nominated in the instant case, the police has alleged to recover intermediate quantity of contraband from the petitioner. After completion of investigation, challan has already been presented in Court, as such he prays for grant of bail to the petitioner.

4. *On the other hand*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that 60 grams of heroin was recovered from the possession of the petitioner after being nominated on the disclosure statement of the co-accused. Hence, prayed for dismissal of the petition.

5. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered against the co-accused Babli and Jaswinder Singh @ Jassi on being apprehended by the police party consequent to the recovery of 260 grams of heroin. It is not disputed that the petitioner was not named in the FIR but his name surfaced in disclosure statement made by aforesaid co-accused, resultantly, the petitioner was arrested on 30.01.2024 and from his possession 60 grams of heroin was recovered which does not fall within the purview of commercial quantity to attract the Provision of Section 37 of the NDPS Act. The investigation has been completed and the challan has been presented in Court wherein prosecution has cited 15 witnesses and till date none of them have been examined. The conclusion of trial to ascertain criminal liability, if any, of the petitioner in the present case will take sufficient long time.

6. In these circumstances, without commenting on the merits of the



case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, 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.

7. 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.

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

(SANJIV BERRY)
JUDGE

23.01.2025

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