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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

AKASHDEEP SINGH

CRM-M-22374-2024 (O&M)
Date of Decision:- 22.04.2025

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Gaurav Vir Singh Behl, Advocate for the petitioner.
Mr. Jatinder Pal Singh, Sr. DAG Punjab.

SANJIV BERRY, J. (ORAL)

Status report dated 21.04.2025 filed in the form of an affidavit of Deputy Superintendent of Police, (City-II) District SAS Nagar, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. Arguments heard.

3. The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
06	05.01.2023	22 NDPS Act	Sohana, District SAS Nagar (Mohali)

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 is neither named in the FIR nor any recovery has



been effected from him after his arrest which was made on the basis of disclosure statement of the co-accused. He submits that the petitioner is not having any criminal antecedents and is in custody since 05.04.2024. He further submits that challan has already been presented in Court wherein only 02 witnesses have been examined till date. Thus prays for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the status report filed by the State has assailed these arguments and submitted that the petitioner has been nominated on the basis of disclosure statement of co-accused Davinder Kaur from whom recovery of contraband was effected by the police. He contends that as per the version given by the co-accused, the petitioner had alighted from the car a few minutes prior to the alleged recovery from her and as such, petitioner does not deserve the concession of bail. However, he has not disputed the fact that no recovery was effected from the petitioner and challan has been presented in Court.

6. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution, the police party had apprehended one car driven by co-accused Davinder Kaur during checking and recovered 2760 tablets of Lomotil and 850 tablets of Tramadol kept in a polythene envelope in the car. During her interrogation, she disclosed that the petitioner was coming with her in the car and was dropped some distance back, accordingly the petitioner was nominated and formally arrested on 05.04.2024 i.e. after more than 1 year of the occurrence.

7. As per the record, no recovery of any contraband has been



effected from the petitioner after his arrest. Challan has already been presented in Court wherein the prosecution has cited 15 witnesses and only 02 witnesses have been examined till date. The petitioner is not having any criminal case registered against him and the criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

8. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate 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.

9. 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.

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

(SANJIV BERRY)
JUDGE

22.04.2025

S.Sharma(syr)

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