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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-24788-2024 (O&M)
Date of Decision:- 06.05.2025

HAPPY SINGH @ HARPREET SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. P.S. Sekhon, Advocate for the petitioner.
Mr. Jatinder Pal Singh, Sr. DAG Punjab.

SANJIV BERRY, J. (ORAL)

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
07	16.01.2022	22 and 29 NDPS Act	Sherpur, District Sangrur

2. 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 not named in the FIR, but has been nominated on the basis of disclosure statement of co-accused Janta Singh, with whom the petitioner has no concern. He submits that the petitioner was arrested in this case on 26.02.2024 and after his arrest, no recovery has been effected



from him. He further submits that after the completion of investigation, challan has been presented in Court and the conclusion of trial will take sufficient long time. Thus prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the reply filed by the State has opposed the petition on the ground that the petitioner is a habitual offender and his name surfaced in the disclosure statement of co-accused Janta Singh from whom commercial quantity of contraband had been effected.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution co-accused Janta Singh was apprehended by the Police party from whom 1000 intoxicant tablets of Tramadol were recovered. During his interrogation, co-accused Janta Singh suffered his disclosure statement nominating the petitioner as the supplier of the contraband. Admittedly, after the arrest of the petitioner, no recovery of any contraband had been effected from him. As stated above, challan has been presented in Court, wherein the prosecution has cited 14 witnesses, however, none has been examined till date. In this way, the conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

6. 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.

7. It is further made clear that in case the petitioner is again found involved in any case under NDPS Act, in future, 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

06.05.2025
S.Sharma(syr)

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