

2025:PHHC:042416



209.

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-37544-2024

Date of decision: 27.03.2025

Shubham Kumar Balu

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Randeep Singh Waraich (Rana), Advocate,
for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this petition filed under Section 439 of Cr.P.C., is for grant of regular bail to the petitioner, pending trial, in case FIR No.101, dated 23.05.2024, under Sections 15 and 29 of NDPS Act, registered at Police Station Sadar Khanna, District Ludhiana.

2. Learned counsel for the petitioner contends that in a case of apparent false implication, petitioner has now been in custody since 23.05.2024, and that too, on the basis of a disclosure statement allegedly suffered by co-accused, Lovedeep Singh and Surinder from whom a recovery of 150 kgs of poppy husk was allegedly effected while they were travelling together in a truck. Learned counsel for the petitioner has asserted that the evidentiary value of the disclosure statement is of a weak

nature and cannot be made a basis of his conviction. Learned counsel has urged that since investigation is complete and even charges stand framed on 24.09.2024, further incarceration of the petitioner would serve no useful purpose, as out of 12 prosecution witnesses cited, 09 still remain to be examined, with the next date of hearing being 05.04.2025.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner, nor has it been disputed, on instructions, that the petitioner came to be nominated as an accused in a disclosure statement allegedly suffered by co-accused from whom recovery of 150 kgs of poppy husk was made. Learned State counsel, on further instructions, has also not disputed that the petitioner has no previous criminal antecedents. However, learned State counsel has submitted that after 02 co-accused were apprehended, during interrogation, they disclosed that the petitioner along with his car was standing at a pre-determined location and the recovered contraband was to be sold to him. Learned State counsel has submitted that neither any contraband was recovered from the petitioner nor he is involved in any other criminal case. It has also been contended by the learned State counsel, on instructions, that an amount of Rs.40,000/- was recovered from the petitioner, which was to be given to the co-accused in lieu of the contraband which was being transported at his behest and for him.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The challan in the present case stands presented and even the charges stand framed against the petitioner. The likelihood of the trial concluding in the near future seems remote with 09 prosecution witnesses still remaining to be examined. In addition, even as per the conceded case of the State, the petitioner is not involved in any other criminal case, much less under the NDPS Act. Furthermore, on being arrested pursuant to a disclosure statement made by co-accused, no recovery of any contraband was made from the petitioner and only a recovery of Rs.40,000/- was made which was to be handed over to the co-accused for the transportation of the recovered contraband.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

March 27, 2025

Sanjeev

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No