



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

CRM-M-52413-2024
Date of decision: 10.01.2025

Akashdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Kaushal Chahal, Advocate for
Mr. J.S. Sandhu, Advocate for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 483 of BNSS 2023 seeking grant of regular bail to the petitioner in case having FIR No.5 dated 22.01.2024, under Section 21 of NDPS Act and Section 29 NDPS Act added later on, registered at Police Station Arifke, District Ferozepur.

2. The allegations in nutshell are that police effected recovery of 1.5 kg of heroin from co-accused Gurpreet Singh on 22.01.2024. Thereafter, petitioner was nominated as accused on the basis of disclosure statement suffered by said Gurpreet Singh and later on, arrested by the police.

3. The counsel for the petitioner inter alia submits that the petitioner is falsely implicated in the present case, on the basis of alleged disclosure statement suffered by co-accused and the same is hit by the ratio laid down by Hon'ble Supreme Court in *Tofan Singh Vs. State of Tamil*



Nadu (2021) 4 SCC 1 and the said disclosure statement is inadmissible in evidence. It is further submitted that petitioner is in custody for the last about 1 year and is having no criminal history and that it will take time for the trial to conclude. So, prayer is made that no purpose is going to be served by keeping the petitioner in custody for any longer period.

4. The present petition is resisted by the State counsel who on instructions from Inspector Ravi Kumar submits that the FIR in this case was registered against Gurpreet Singh from whom recovery of 1.5 kg of heroin was effected. That subsequently, petitioner was nominated as accused on the basis of disclosure statement suffered by said Gurpreet Singh. It is further submitted that stringent provision of Section 37 NDPS Act are applicable to the present case, as the aforesaid recovery comes under commercial quantity of contraband. However, the State counsel has not disputed the fact that except for aforesaid disclosure statement, no other incriminating evidence is their on the record against the petitioner. It is also brought to the notice of the Court by the State counsel that till date, prosecution is able to examine two witnesses, while 10 witnesses are given up, out of total 23 witnesses. The State counsel has not disputed the fact that the petitioner is incarcerated for the last more than 11 months and 15 days and is not involved in any other criminal case.

5. Admittedly, the petitioner was not named in the FIR and later on, he was nominated as accused on the basis of disclosure statement suffered by co-accused Gurpreet Singh from whom police is stated to have recovered 1.5 kg of poppy husk. The veracity, relevancy and admissibility of the said disclosure statement is subject matter of trial. The petitioner is in



custody for the last about 1 year and it will take time for the trial to terminate. Admittedly, no contraband is recovered at the instance of the petitioner who is having no criminal antecedents. In the given circumstances, no purpose is going to be served by prolonging judicial custody of the petitioner.

6. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.01.2025

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**