

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-54458-2024 (O&M)
Date of Decision:- 14.02.2025

PANKAJ

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Ms. Divya Sharma, Advocate for the petitioner.
Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

1. The instant petition has been preferred by the petitioner under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
76	08.05.2023	21 and 29 of the NDPS Act	Sadar Jalandhar, District Jalandhar

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. She contends that the petitioner is not named in the FIR and has been nominated on the basis of disclosure statement of co-accused Arju @ Arzoo Devi, with whom the petitioner has no concern. She further contends that consequent upon the arrest of the petitioner, no recovery has been effected

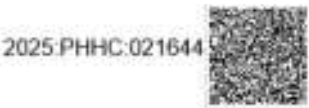


from him. She submits that the petitioner is in custody since 13.12.2023 after the completion of investigation, challan has been presented in Court and the conclusion of trial will take sufficient long time as none of the witnesses has been examined till date. Thus prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the status report filed by the State has assailed these arguments by submitting that the petitioner is a habitual offender and is involved in illegal trade of drug trafficking. He has, however, not disputed the factual matrix and admitted that the name of the petitioner has surfaced in the disclosure statement of co-accused Arju @ Arzoo Devi and no recovery has been effected from the petitioner.

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

5. After considering the rival contentions and perusing the record, it transpires that on 08.05.2023, the police party apprehended co-accused Happy, Arju @ Arzoo Devi and Darshna Rani along with 500 grams of heroin. During interrogation on 09.05.2023, co-accused Arju @ Arzoo Devi suffered her disclosure statement nominating the petitioner along with other co-accused to be supplier of the contraband. Accordingly, the petitioner was arrested on 13.12.2023. Admittedly, consequent upon the arrest of the petitioner, no recovery of any narcotic substance has been effected from him and after the completion of investigation, challan has been presented in Court, wherein the prosecution has cited 30 witnesses but till date none has been examined. 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.

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 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

14.02.2025
S.Sharma(syr)

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