

2025-PHHC-028887



214.

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

CRM-M-55366-2024

Date of decision: 28.02.2025

Bhagwan Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Manoj R. Sharma, Advocate, for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 483 of BNSS, for grant of regular bail to the petitioner in case FIR No.15, dated 19.02.2023, under Sections 22(c), 29 of NDPS Act, 1985, registered at Police Station Sadar Batala, Police District Batala, District Gurdaspur

Learned counsel for the petitioner submits that the petitioner came to be nominated in the present case on the basis of a disclosure statement allegedly suffered by co-accused, Lakhbir Singh, from whom a recovery of 1385 tablets of tramadol was allegedly effected. It has been argued by the learned counsel that firstly, the disclosure statement on the basis of which the petitioner has been implicated in the present case holds weak evidentiary value and this needs to be appreciated in the wake of the

petitioner having no previous involvement in any case under the NDPS Act. It has also been argued by the learned counsel that after the petitioner was arrested on 11.07.2024 following the disclosure statement made by co-accused, Lakhbir Singh, no recovery of any contraband or drug money was made from the petitioner. It has also been urged by the learned counsel that after the supplementary statement was presented qua the petitioner on 11.09.2024, charges were framed on 09.01.2025, however, till date, none of the 14 prosecution witnesses have been examined and hence, there was no possibility of the trial concluding in the foreseeable future. It has also been brought to the notice of this Court that co-accused, Lakhbir Singh, from whom recovery of 1385 tablets of tramadol was effected, has since been extended the concession of default bail by the trial Court.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that after the petitioner was arrested on 11.09.2024 following the disclosure statement suffered by co-accused, Lakhbir Singh, no recovery of any contraband or drug money was effected from him. It has also not been disputed, on instructions from ASI Dalbir Singh, that the petitioner has not been booked in any case under the NDPS Act previously. However, it has been asserted by the learned State counsel that as per the disclosure statement, the recovered contraband had been procured by co-accused, Lakhbir Singh, from the petitioner. The stage of trial has also not been disputed by the learned State counsel, on instructions.

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

The petitioner came to be nominated as an accused on the basis of disclosure statement suffered by co-accused, Lakhbir Singh. The investigation in the present case is complete as not only the challan stands presented but even the charges stand framed. The trial would take considerable time to conclude, as none out of the 14 prosecution witnesses cited has been examined so far. The co-accused has already been released on default bail.

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

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.

(MANJARI NEHRU KAUL)
JUDGE

February 28, 2025
sanjeev

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No