

277

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-57015-2024 (O&M)
Date of Decision:- 06.03.2025

RAMJINDER SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

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

SANJIV BERRY, J. (ORAL)

1. Status report dated 22.01.2025 filed in the form of an affidavit of Deputy Superintendent of Police, Sub Division Tapa, District Barnala, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
116	25.11.2022	15, 25 and 29 of the NDPS Act	Tappa Mandi, District Barnala

4. 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 and his name surfaced in



the disclosure statements of co-accused. He further contends that consequent upon the arrest of the petitioner on 30.08.2024, no recovery has been effected from him. He submits that the petitioner is not having any criminal antecedents and 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.

5. *Per contra*, learned State counsel while referring to the status report filed by the State has opposed the petition on the ground that the petitioner has been nominated as an accused on the basis of disclosure statements of co-accused Jaspal Singh and Jogi Singh, from whom commercial quantity of contraband had been recovered. He has, however, not disputed that no recovery has been effected from the petitioner and after the completion of investigation, challan has been presented in Court.

6. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution on 25.11.2022, the police party saw one suspicious car and approached it for checking, however, on seeing the police party, two persons sitting in the car tried to flee away. However, they were apprehended by the police party and on enquiry they disclosed their names as Jaspal Singh and Jogi Singh. After completing the mandatory formalities, search of the car was conducted, upon which 4 plastic bags, each containing 14 kg of poppy husk (totalling 56 Kg) was recovered. Accordingly, the accused were arrested and during interrogation, they disclosed the name of the petitioner and thereafter petitioner was arrested on 30.08.2024. Admittedly, no recovery has been effected from the



petitioner and he is not found to be involved in any other case. After the completion of investigation, challan has been presented in Court, wherein the prosecution has cited 17 witnesses and none has been examined till date. 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.

7. 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.

8. 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.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

06.03.2025

S.Sharma(syr)

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