



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

225

CRM-M-59553-2024 (O&M)
Date of Decision:- 25.04.2025

VICKY SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
41	06.08.2023	22 and 29 NDPS Act	Cheema, District Sangrur

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. He contends that the petitioner is not named in the FIR but has been nominated on the alleged disclosure statement of co-accused Raj Kaur, from whom the alleged recovery of contraband had been effected. He further contends that



the petitioner was lodged in custody in some other case and was taken on production warrant to be arrested in the present case, however, no recovery whatsoever has been effected from him in the present case. He submits that only 02 witnesses have been examined till date, although the petitioner is in custody since 06.08.2024. Thus, prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the reply filed by the State has assailed these arguments by submitting that co-accused Raj Kaur, from whom the alleged recovery of contraband had been effected, had named the petitioner to be the supplier thereof and accordingly, the petitioner had been nominated and arrested in this case. Hence, prayed for dismissal of the petition.

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

5. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution co-accused Raj Kaur was apprehended by the police on 06.08.2023, and from her possession intoxicant tablets were recovered and she allegedly made disclosure statement on 07.08.2023, naming the petitioner as the supplier thereof. The petitioner was taken on production warrant on 06.08.2024 and formally arrested in this case, however, consequent upon his arrest, no recovery of any contraband had been effected from the petitioner. Admittedly, apart from the said disclosure statement of the co-accused, there is nothing to connect the petitioner with the alleged recovery. After the completion of investigation, challan has been presented in Court, wherein the prosecution

has cited 11 witnesses and only 02 witnesses have been examined till date. The conclusion of trial to ascertain the criminal liability, if any, of the petitioner will 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.

9. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

25.04.2025
S.Sharma(syr)

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