

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

2025:PHHC:039851



(224)

CRM-M-61132-2024

Date of Decision: 24.03.2025

Rashpal Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present:- Mr. Rishu Mahajan, Advocate for petitioner.

Mr. Shiva Khurmi, AAG, Punjab with
SI Darshan Singh.

MANJARI NEHRU KAUL.J (Oral)

The petitioner is seeking the concession of regular bail, filed under Section 483 BNSS, in case FIR No.143, dated 10.12.2023, under Sections 21-C, 27-A, 29 of NDPS Act, registered at Police Station, D Division, District Amritsar.

2. Learned counsel for the petitioner contends that petitioner was not named in the secret information received with respect to drug trafficking. Following the secret information received, four co-accused of the petitioner were apprehended and a recovery totalling 4 kgs of heroin was made from them. Much later i.e. after about 7 months a disclosure statement was allegedly made by co-accused Karan, who too was nominated as an accused in a disclosure statement made by co-accused qua the involvement of the petitioner in the crime in question. It has been asserted by the counsel that it is a matter of record that the petitioner has no previous criminal antecedents and furthermore after the petitioner was apprehended

following the alleged disclosure statement made by the co-accused Karan, no recovery of either any contraband or drug money was made from him, which clearly points to his false implication in the present case. It has been argued by the counsel that since there was a delay of almost 7 months in the nomination of the petitioner in the present case as an accused following a third disclosure statement made by co-accused coupled with the fact that disclosure statements hold poor evidentiary value, the petitioner deserves to be extended the concession of bail as, only 4 prosecution witnesses out of the 23 cited have been examined till date. Hence, the possibility of the trial concluding in the near future does not arise.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions has not disputed that the petitioner has been in custody since 30.07.2024 and 19 prosecution witnesses still remain to be examined. It has also not been disputed that after the petitioner's name surfaced in the disclosure statement allegedly suffered by co-accused Karan and no recovery of any contraband was made from him when he was arrested.

4. On a pointed query put to learned State counsel as to whether the petitioner has any previous criminal antecedents, he, on instructions has replied in negative. However, it has been asserted that the recovery effected from the co-accused i.e. 4 kgs of heroin is huge and multiple times more than the minimum classified as 'Commercial' under the Act.

5. I have heard learned counsel for the parties and examined the material on record.

6. The petitioner came to be nominated as an accused in a disclosure statement allegedly suffered by co-accused Karan, who too was

nominated as an accused in the disclosure statement suffered by the other apprehended co-accused, following a secret information. Concededly, no recovery of either drug money or heroin was effected from the petitioner. The possibility of the trial concluding in the near future does not arise as only 4 prosecution witnesses out of the 23 cited have been examined till date. The petitioner is not stated to be involved in any other case under the NDPS Act.

7. In the facts and circumstances enumerated herein above, 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.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

24.03.2025

lucky

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No