



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-61359-2024 (O&M)
Date of decision: 28.01.2025

Rajat ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Munish Puri, Advocate
for the petitioner.

Ms. Swati Batra, Deputy Advocate General, Punjab.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No. 149 dated 18.08.2022, registered under Sections 21, 21(c), 22, 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Dinanagar, Gurdaspur.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 18.08.2022, co-accused Pooja and Veena were apprehended by a police party headed by ASI Yusaf Masih and recovery of 07 grams of heroin and 500 loose intoxicant tablets (Tramadol Hydrochloride) as effected from Veena, whereas 08 grams of heroin and 500 loose intoxicant of the same salt were recovered from Pooja. Since they were not having any permit or licence to carry aforesaid drugs, they were formally arrested at the spot. During the course of investigation, they suffered disclosure statements to the effect that they had procured the recovered contraband from the present petitioner. On the basis of the same, the petitioner was nominated as an accused in this case. He was arrested on 22.04.2023. He had moved an

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application before the learned trial Court for grant of regular bail but the same had been dismissed, vide order dated 09.09.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The petitioner was not found at the spot and has been involved in this case on the basis of the disclosure statements made by the aforesaid co-accused, which is not admissible in evidence. To fortify this argument, learned counsel for the petitioner has relied upon the authority of Hon'ble Supreme Court rendered in ***Tofan Singh vs. State of Tamil Nadu : (2021) 4 SCC 1***. It is further argued that similarly situated co-accused Vicky has already been granted concession of regular bail by this Court, vide order dated 07.02.2024 passed in ***CRM-M-53583-2023***. More so, since the trial was not progressing, the above named co-accused Pooja and Veena have also been granted concession of default bail by the learned trial Court, vide order dated 20.02.2023. The petitioner is in judicial custody since 22.04.2023. Investigation has since been completed and *challan* has been presented. Conclusion of trial is likely to take time. On the grounds of parity with aforesaid co-accused, the petitioner too deserves to be granted the same benefit. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Punjab has argued that though the petitioner was nominated in this case on the basis of the disclosure suffered by the co-accused but during the course of investigation, his involvement in the subject crime has been duly established. The petitioner had supplied the intoxicant capsules to the above named co-accused, who

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were arrested at the spot. Trial may be expedited. It is, thus, argued that the petition is liable to be dismissed.

5. I have learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner has been nominated in this case on the basis of the disclosure statements suffered by co-accused Pooja and Veena, who were arrested at the spot on 18.08.2022 and from whose possession, aforesaid quantity of the intoxicant tablets and heroin was recovered. The allegation against the petitioner is that he had supplied the recovered contraband to the co-accused. Neither any subsequent recovery of the contraband is shown to be effected from him nor is he stated to be involved in any other case under the NDPS Act. There is nothing on record to connect the petitioner with the subject crime, except the disclosure of the co-accused. The petitioner is in custody since 22.04.2023. The trial is likely to take time as due to slow pace of trial, co-accused Pooja and Veena have been granted concession of default bail. Apart from this, co-accused Vicky, who was also nominated on the basis of the disclosure statement suffered by the above named co-accused, has also been granted concession of regular bail by this Court, as mentioned above. Keeping in view the discussion as made above, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

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7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

28.01.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>