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

CRM-M-62608-2024**Date of decision : 07.04.2025****Saleem****....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Kartik Gandhi, Advocate,
Mr. Bishnoi Abhimanyu, Advocate and
Mr. Ritik Mohindroo, Advocate
for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab assisted by
ASI Ravinder Kumar.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.49 dated 17.07.2024, under Sections 105 BNS and Sections 20, 29-61-85 of NDPS, Act, registered at Police Station City Raikot, District Ludhiana.

2. Succinctly the facts of the case are that the present case was registered on the statement of complainant, namely, Manjit Kaur. It was alleged that her elder son Tarlochan Singh was unmarried. He was a drug addict and was taking medicines from Civil Hospital, Jagraon. On 17.07.2024 at about 7:30 AM, Akashdeep Singh @ Tara, took her son on motorcycle with him. He was given some poisonous substance from Raikot and thereafter he had thrown his son in front of her house. On seeing her son they raised noise, however, he ran away from there. Thereafter they found that her son had died. It was alleged that her son



died because of taking syringe of narcotics and thus, request was made to take legal action against the culprits. On registration of FIR, co-accused, namely, Akashdeep Singh @ Tara was arrested on 17.07.2024. He disclosed about co-accused, namely, Sunita, who further disclosed about Rajni and Asha. It was at the disclosure of co-accused, Asha, complicity of the petitioner was also mentioned in the case and thus, he was also arrayed as an accused. He was arrested on 30.09.2024. He approached the Learned Judge, Special Court, Ludhiana praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Ludhiana vide order dated 03.12.2024. Aggrieved by the same, the petitioner is before this Court praying for grant of bail by way of filing of present petition.

3. Learned counsel for the petitioner has vehemently contended that neither petitioner was named in the FIR nor any role has been attributed to him. However, the petitioner has been implicated in the present case on the basis of disclosure statement of co-accused, namely, Asha. He submits that disclosure statement in itself is not an admissible evidence. He submits that co-accused, who were named in the FIR, thereafter arrayed as accused persons on the basis of disclosure statement, have also been granted bail by this Court. It is submitted that the case of the petitioner is on much better footing than that of the co-accused. It is submitted that though the petitioner is falsely implicated in two other cases, however, he is on bail in those cases. He submits that the investigation is complete and charges are also framed. He thus, submits that in facts and circumstances of the case the petitioner deserves to be granted bail.



4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner and submits that the complicity of the petitioner was established during the investigation and there are enough material collected during investigation against the petitioner and the co-accused. He submits that petitioner is involved in 02 other cases under the NDPS Act Act itself. He produced the custody certificate of the petitioner. He submits that charges are framed. It is submitted that out of total 22 prosecution witnesses, none has been examined till date.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrayed as an accused in the present case on the basis of disclosure statement of co-accused, Asha. He was arrested on 30.09.2024 and since then he is behind bars. Similarly situated co-accused, have already been granted bail by this Court. The custody certificate produced would show that he has suffered an incarceration of 06 months and 03 days as on 06.04.2025. The petitioner is facing prosecution in 02 more cases, however, he is on bail in those case. As submitted before this Court out of total 22 prosecution witnesses, none has been examined so far.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety



bonds to the satisfaction of the concerned trial Court/Duty Magistrate.
Nothing said herein shall be treated as an expression of opinion on the merits of the case.

07.04.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No