

CRM-M-62829-2024

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2025:PHHC:046616



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

CRM-M-62829-2024

Date of Decision:04.04.2025

TARJAN ALIAS SUNNY TARJAN

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

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

Mr. Ajaib Singh, Addl. A.G. Punjab.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioner in case having FIR No.177 dated 02.10.2021 registered for the offences punishable under Sections 22/22(C)/29 of NDPS Act at Police Station Kathunangal, Amritsar.

2. The allegations in brief are that police recovered 100 intoxicant tablets from co-accused Karamjit Singh @ Kaka, who made disclosure statement against co-accused Kirpal Singh-owner of Bullar Medical Store and on his arrest, police recovered 780 intoxicant tablets from Kirpal Singh and he further made disclosure statement regarding



involvement of present petitioner and one Rohit in the drug trafficking and then petitioner and said Rohit were arrested by the police but no contraband was recovered at the instance of the present petitioner and Rohit. On completion of investigation, challan has been presented by the police.

3. Counsel appearing on behalf of petitioner *inter alia* submits that petitioner, who was not named in the FIR was later on falsely nominated as an accused on the basis of disclosure statement suffered by co-accused Kirpal Singh owner of a drug store. It is further submitted that the petitioner is incarcerated for the last more than 7 months and further during investigation, no contraband was recovered at the instance of the present petitioner. Counsel for the petitioner further submits that the petitioner was also facing two other cases wherein now he stand acquitted. Counsel for the petitioner further submits that the aforesaid Kirpal Singh and Rohit are already given concession of regular bail by the Court concerned vide separate orders and copies of the same are taken on record. It is further submitted that it will take time for the trial to conclude as till date no witness is examined on behalf of the prosecution. In the given circumstances, no fruitful purpose is going to be served by keeping the petitioner in custody for any longer period.

4. The present petition is contested by the State counsel, who submits that no doubt the petitioner was not named in the FIR but later on his name was disclosed by co-accused Kirpal Singh-owner of the Bhullar



Medical Store and thereafter the petitioner was arrested and is in custody since 01.09.2024. It is further submitted that as per allegation appearing on the record, petitioner is the main supplier of the drugs to Kirpal Singh. However, the State counsel has not disputed the fact that except for aforesaid disclosure statement, there is no other incriminating evidence available on the record against the petitioner. The State counsel has also not disputed the fact that after framing of charges till date no prosecution witness is examined.

5. I have considered the submissions made by the counsel for the parties.

6. Admittedly, the petitioner was not named in the FIR and was subsequently arrayed as an accused on the basis of disclosure statements suffered by co-accused Kirpal Singh owner of drug store. The veracity and admissibility of any such disclosure statement suffered by co-accused against the present petitioner will be tested during trial and further the State counsel has not disputed the fact that the said disclosure statement is not corroborated by any independent witness. Admittedly, during investigation the petitioner was arrested and is now incarcerated for the last more than 7 months and during investigation, no contraband was recovered at the instance of the petitioner. Further it will take time for the trial to conclude. It is also apparent that similarly situated co-accused Rohit is already enlarged on bail and even Kirpal Singh from whom 780

intoxicant tablets were recovered is also given concession of regular bail.
In the given circumstances, no gainful purpose is going to be served by keeping the petitioner in custody for any longer period.

7. In light of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

04.04.2025

Priyanka Thakur

Whether speaking/reasoned

Whether reportable

(KARAMJIT SINGH)

JUDGE

Yes/No

Yes/No