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

**CRM-M-10738-2025 (O&M)
Reserved on : 29.04.2025
Pronounced on : 07.05.2025**

Jhirmal Singh @ Chattu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sandeep Verma, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

MANISHA BATRA, J.

1. The instant one is the second petition that has been filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in FIR No. 01 dated 02.01.2023, registered under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Nihal Singh Wala, District Moga. The first petition, bearing **CRM-M-33824-2024**, was dismissed as withdrawn on 15.10.2024.

2. Brief facts of the case relevant for the disposal of the present petition are that on 02.01.2023, co-accused Balwinder Singh @ Jalandhar Singh was apprehended by the police party and recovery of 60 kgs. of poppy husk was effected from him. Upon interrogation, he disclosed that he had procured the recovered contraband from the present petitioner. On the basis of the same, the present petitioner was nominated as an accused in this case and was arrested on 03.04.2024. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the

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co-accused is facing trial for commission of aforementioned offence. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 29.05.2024.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. He has been involved in this case on the basis of the disclosure statement suffered by the above named co-accused, which is not admissible in evidence against him. No subsequent recovery has been effected from the petitioner. There is nothing on record to connect the petitioner with the subject crime. Even otherwise, investigation has since been completed and *challan* has been presented. Conclusion of trial is likely to take time. The petitioner is in judicial custody since 03.04.2024. No useful purpose would be served by keeping him in custody anymore. Co-accused Balwinder Singh @ Jalandhar Singh has already been granted concession of regular bail by this Court, vide order dated 20.02.2024 passed in **CRM-M-42279-2023**. On the grounds of parity, the petitioner too deserves to be granted the same benefit. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report along with the custody certificate of the petitioner has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Punjab has argued that although the petitioner was nominated in this case on the basis of the disclosure statement suffered by the co-accused but during the course of investigation, his complicity in the subject crime had been established. He had supplied the recovered contraband to the co-accused. The petitioner is involved in two more cases of similar nature. Trial is going on at a proper pace. Hence, it is urged that the petition is liable to be

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dismissed.

5. I have heard 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 statement suffered by co-accused Balwinder Singh @ Jalandhar Singh, who was apprehended by the police on 02.01.2023 and from whom, recovery of 60 kgs. of poppy husk was effected. The allegations against the petitioner are that he had supplied the recovered contraband to the co-accused. A perusal of the record reveals that main accused has already been granted concession of regular bail by this way back in February, 2024. However, the petitioner is in custody since 03.04.2024. The trial is likely to take time. Keeping in view the aforesaid facts, I am of the considered opinion that no useful purpose would be served by keeping him 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.

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.

07.05.2025

Waseem Ansari

**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No