

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

2025:PHHC:041505



(212)

CRM-M-51704-2024

Date of Decision: 26.03.2025

Ajaypal Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Veneet Sharma, Advocate for petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL.J (Oral)

The petitioner is seeking the concession of regular bail, filed under Section 483 BNSS, in case FIR No.162, dated 02.07.2024, under Sections 21 and 29 of NDPS Act and Sections 25, 27 of Arms Act, registered at Police Station, Gharinda, Amritsar Rural, District Amritsar.

2. Learned counsel for the petitioner submits that the petitioner's false implication in the present case is evident from the fact that although, the secret information was received qua the involvement of the three accused namely Jatin, Sajjan and Daler, however, no such secret information was received qua the petitioner. Furthermore, after co-accused Jatin was arrested on 03.07.2024 following the alleged secret information, he was remanded to judicial custody on 06.07.2024. In the application seeking judicial remand, no reference was made to any disclosure statement allegedly suffered by Jatin qua the involvement of any other person much less the petitioner. In support of his contentions, learned counsel has drawn

the attention of this Court to Annexure P-3. It has been argued by the counsel that on 09.07.2024 for the first time the petitioner was nominated as an accused in the present case on the basis of a disclosure statement allegedly suffered by the co-accused Jatin prior to he being sent on judicial custody on 06.05.2024 by ante dating it. Counsel has argued that this circumstance when seen in conjunction with the application for judicial remand, wherein no such reference to any disclosure statement had been made by the prosecution, clearly demolishes the case of the prosecution qua the petitioner and makes it abundantly clear that the petitioner was in no way connected with the recovered contraband. Counsel has still further submitted that on being arrested on 10.07.2024, no recovery of any contraband much less heroin was effected from the petitioner which further creates a serious dent in the case of the prosecution. A prayer has, therefore, been made in the aforementioned facts and circumstances to extend the concession of bail to the petitioner as investigation in the present case is complete with challan already having been presented and since none of the 12 prosecution witnesses has been examined so far, the possibility of the trial concluding in 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 the custody period of the petitioner nor has he disputed the stage of trial. However, learned State counsel has asserted that the name of the petitioner surfaced during interrogation of co-accused Jatin and it came to light during investigation and in the disclosure statement suffered by co-accused that the petitioner was alleged supplier of the recovered contraband i.e. 2 kgs 5 grams of heroin.

4. On a pointed query put to learned State counsel, he, on instructions, however, was unable to controvert the submissions made by learned counsel for the petitioner that while seeking judicial remand of co-accused Jatin, on whose disclosure statement the petitioner came to be nominated as an accused, as per the case of the prosecution on 04.07.2024, there was no reference made to the disclosure statement allegedly suffered by co-accused Jatin. Learned State counsel, on further instructions, has submitted that although, no recovery of any contraband was effected from the petitioner following his arrest on 10.07.2024, however, one fire arm was recovered from him. The said fire arm was previously licensed in the name of the petitioner, however, the license had subsequently expired.

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

6. The petitioner has been in custody since 10.07.2024. The name of the petitioner surfaced in the disclosure statement allegedly suffered by co-accused Jatin, who claimed that the petitioner had supplied them the recovered contraband. As not disputed by learned State counsel, no recovery of any contraband was effected from the petitioner.

7. In view of the facts and circumstances enumerated hereinabove, this Court deems it fit to admit the petitioner to bail.

8. Accordingly, 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.

9. 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

26.03.2025

lucky

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

While uploading order dated 24.02.2025 passed in CRM-M-59562-2024, which was listed at Sr. No.233 in the Court of Hon'ble Mrs. Justice Manjari Nehru Kaul, inadvertently wrong order has been uploaded. The same has been marked incorrect by the undersigned. There is no change in the judicial order. Wrong order may kindly be deleted from the DMS so that correct order may be uploaded.

Submitted.

(Lucky)
Special Secretary.

J.R. Computerization