

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM No. M-15993 of 2016
Date of decision: 30.05.2016**

GURWINDER SINGH @ GINDA

....PETITIONER

V/s.

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. M.S. Saini, Advocate for
Mr. Anutej Singh Barnala, Advocate for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

M.M.S.BEDI, J. (Oral)

Petitioner was on police remand in some other case and during the remand proceedings in other case, he allegedly made a disclosure statement to the effect that he had kept concealed intoxicating powder which he could get recovered. On the basis of his disclosure statement, 320 gms of intoxicating powder was recovered, which, on chemical examination was found to contain Alprazolam salt.

The petitioner has been in custody w.e.f. 11.01.2014. He has been involved in this case on the basis of his disclosure statement and recovery made pursuant thereto. It would certainly be a moot point whether such recovery could be treated as recovery as per provisions of Section 27 of the Indian Evidence Act and would be sufficient to warrant conviction for having been found in actual possession of the intoxicating powder.

It is also not out of place to observe that the petitioner was in custody in some other case when he allegedly made a disclosure statement and got recovered the contraband.

Keeping in view the above circumstances and he being in custody w.e.f. 11.01.2014, petitioner can be granted the concession of bail.

Petition is allowed. Petitioner is ordered to be released on bail in FIR No. 6 dated 11.01.2014 under Sections 21/22 of the NDPS Act on his furnishing bail bonds/surety bonds subject to the satisfaction of trial Court.

(M.M.S. BEDI)
JUDGE

May 30, 2016
Divyanshi