

**S.No.210**

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

**CRM-M-40745 of 2018 (O&M)**

**Date of Decision:29.11.2018**

**Safikul Islam** .....Petitioner

**Vs.**

**State of Punjab** .....Respondent

**CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present:- Mr. P.S. Dhalial, Advocate  
for the petitioner.  
Mr. K.S. Aulakh, DAG, Punjab.

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**Rajbir Sehrawat, J.(Oral)**

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.61 dated 25.05.2018 registered under Sections 18, 25, 26, 29, 61, 85 of NDPS Act, 1985 at Police Station Dhanaula, District Barnala.

Since the petitioner is resident of the State of West Bengal, therefore, just to prima facie see possibility of the petitioner being present in the State of Punjab; from where he is alleged to have been arrested, the petitioner was asked to present any document to show that he was present in Punjab in connection with some regular business dealing; as was claimed by him. Pursuant to that, the petitioner had produced on record bills issued by certain shopkeepers of Punjab. But thereafter, counsel for the State had sought time to verify the fact whether those bills were issued by the said shopkeepers or not.

Today, counsel for the State submits that the bills have been verified and the same have been found to be not genuine as per the statements made by the concerned shopkeepers. But counsel for the petitioner has submitted that this report has been obtained by the Police by threatening the concerned shopkeepers. In view of this, the Court does not

intend to proceed to ascertain the genuineness of the said bills, lest the defence of the petitioner should be prejudiced.

However, counsel for the petitioner submits that there is no recovery from the petitioner; who has been involved in the case only on the basis of some disclosure statement of the co-accused. Except that disclosure statement, there is nothing; collected even during investigation; so as to connect the petitioner to the crime involved in the present case. Still further, it is submitted that the petitioner is in custody since 31.05.2018. Challan has already been filed in the case. The petitioner is not required for any investigation purposes. There is no other case against the petitioner.

On the other hand, learned State Counsel has submitted that the disclosure statement of the co-accused specifically names the petitioner as supplier of the contraband recovered from the co-accused. It is further contended that the presence of the petitioner at Barnala itself is suspicious.

However, the learned State Counsel has admitted that there is no other material on the investigation file; except the disclosure statement of the co-accused, to connect the petitioner to the crime involved in the case. It is also not disputed that there is no other case against the petitioner.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

**November 29, 2018**  
**renu**

**( RAJBIR SEHRAWAT )**  
**JUDGE**

Whether Speaking/reasoned  
Whether Reportable

Yes/No  
Yes/No