

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-1671-2019 (O&M)
Date of Decision:-4.7.2019

Hardeep Singh @ Ganji

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gaurav Rana, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, Deputy Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.90 dated 2.7.2018 registered at Police Station Balachaur, District SBS Nagar under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985.

The FIR was lodged on the basis of secret information to the effect that Rajesh Kumar @ Bhendi, Hardeep Singh @ Ganji (petitioner) and one Kala are indulging in sale of intoxicating injections.

Pursuant to receipt of the said information, a raid was conducted at the nominated place, where three persons were found. However, while co-accused Rajesh Kumar @ Bhendi was apprehended at the spot, the other accused managed to run away. The search of recovered plastic bag led to recovery of 22 bottles of intoxicating injections and 22

ampules. Upon chemical examination, the said bottles were found to contain 'Buprenorphine Hydrochloride'.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that the petitioner is sought to be implicated mainly on the basis of the disclosure statement made by co-accused, the veracity and admissibility of which is yet to be tested during the course of trial.

Opposing the petition, the learned State counsel has submitted that since the name of the petitioner specifically figures in the FIR and since the co-accused has also named the petitioner to be his accomplice, no case for grant of bail is made out. It has, however, been informed that the petitioner has been behind bars since the last more than one year and till date only 1 out of the cited 17 prosecution witnesses has been examined.

Having regard to the aforesaid position especially that the admissibility of the disclosure statement made by co-accused would certainly be debatable and while also bearing in mind the custody period and that the petitioner was not arrested at the spot, in my opinion, it is a fit case for grant of bail to the petitioner. The petition, as such, is accepted and the petitioner Hardeep Singh @ Ganji is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands accepted accordingly.

4.7.2019

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

(Gurvinder Singh Gill)
Judge