

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-6292-2019

Date of Decision: February 15, 2019

Satwinder Singh Bal @ Satta

.....Petitioner(s)

versus

State of Punjab.

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE MANOJ BAJAJ

Present: Mr.Narinder S. Lucky, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

MANOJ BAJAJ , J. (Oral)

Petitioner-Satwinder Singh Bal @ Satta son of Harinder Singh has prayed for grant of regular bail in case FIR No.038 dated 27.06.2018, under Sections 15 and 29 of the NDPS Act, 1985, registered at Police Station Behram, District SBS Nagar.

It is the case of the prosecution that secret information was received that Kulwinder Singh @ Billa and Balvir Ram @ Bira are engaged in the business of poppy husk. According to information, it was mentioned that both have kept the contraband in heavy quantity in a field near their residence. Acting upon this information, the recovery was effected of the alleged poppy husk from Kulwinder Singh @ Billa and Balvir Ram @ Bira and both the accused were arrested from the spot.

Learned counsel for the petitioner contends that there is no material to suggest the involvement of the petitioner in the crime, muchless possession of alleged contraband. It is pointed out that the petitioner has been indicted on the

basis of disclosure statement made by one Kulwinder Singh. According to him, the petitioner is in judicial custody since 21.12.2018. Learned counsel for the petitioner further contends that the said statement may not be admissible in evidence.

On the other hand, learned State counsel assisted by ASI Hardeep Singh, has pointed out that of course petitioner was not named in the FIR. However, later on, on the strength of statement of accused Kulwinder Singh, the petitioner was arrested and in furtherance of the same has also suffered a statement that alleged contraband was supplied to him.

At this stage, learned counsel for the petitioner contends that the statement of the petitioner before the Police may not be admissible.

Considering the above background, stage of the trial, which is likely to consume more time, further detention of the petitioner may not be justified. Therefore, without meaning any expression on the merits of the case the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

February 15, 2019

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[MANOJ BAJAJ]
JUDGE

Whether speaking/reasoned :

Yes/No

Whether Reportable :

Yes/No