

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

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CRM-M-7183-2019 (O & M)

Date of Decision:21.05.2019

Raghbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Manpreet Ghuman, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.107 dated 17.11.2018, under Sections 21/61 of NDPS Act, registered at Police Station Mehal Kalan, District Barnala.

The FIR was registered on the basis of a writing sent by SI Parget Singh, who along with other police officials on 17.11.2018 was present at Pulli Kasiwal in the area of Chhiniwal Kalan, Barnala in connection with the patrol duty and checking suspicious persons. At about 2.25 pm, a person was seen coming on scooter and was signalled to stop.

On seeing the police party, he got perplexed and diverted back his scooter

but he was apprehended at the spot. Upon his apprehension, the Investigating Officer disclosed his name and identity to Harpreet Singh @ Money and informed him that he was suspected to be carrying some contraband and necessary search in that regard was required to be conducted. An option was put to him whether he wanted his search in the presence of some Gazetted Officer or Magistrate. At that time, Harpreet Singh @ Money reposed full faith upon the Investigating Officer and expressed no objection to his search. On search of the accused, one box containing intoxicating Tramadol Hydrochloride tablets 100 mg (Clovidol-100 SR) 10 strips containing 50/50 each come to 500 tablets were allegedly recovered from the Diki of the scooter.

Learned counsel for the petitioner contends that originally recovery was effected from co-accused Harpreet Singh. Upon his disclosure that the recovered contraband was purchased from the petitioner, the petitioner was arrested on 17.11.2018. Learned counsel further contends that after arrest of the petitioner, the alleged recovery was effected from a place near the bridge which is an open place and accessible to everyone.

On the other hand, learned State counsel assisted by ASI Shareef Khan has opposed the bail application, who does not dispute this fact that indictment of accused is on the basis of disclosure statement suffered by the co-accused and after arrest of the petitioner, the alleged tablets were recovered from an open place near bridge.

Considering the above background and the fact that the petitioner has been arrested on the basis of disclosure statement of the co-accused Harpreet Singh @ Money, further detention of the petitioner may

not be justified. Therefore, without meaning any expression on the merits of the case, the petition is allowed and 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.

21.05.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No