

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

CRM-M-41061-2018 (O&M)
Date of Decision:-8.4.2019

Pardeep Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. B.K. Mehta, Advocate for the petitioner.

Mr. Randhir Singh Thind, D A G, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner seeks grant of regular bail in a case registered vide FIR No.173 dated 1.7.2018, Police Station Phillaur, Jalandhar, under Sections 21 and 22 of NDPS Act, 1985.

The FIR was came to be lodged pursuant to a secret information to the police to the effect that Kamaljit and her son Gurmukh indulged in sale of heroin and that if a raid is conducted, huge quantity of heroin can be recovered from them. Pursuant to the receipt of said

information, raid was conducted but accused Kamaljit and Gurmukh managed to flee while throwing a bag containing 400 grams of heroin and currency of Rs 2 lakhs. Subsequently, Kamaljit was arrested on 4.7.2018 and during the course of interrogation, she suffered a disclosure statement leading to the recovery of Rs. 6 lakhs from her house, stated to be sale proceeds of heroin. It is further the case of the prosecution that on 6.7.2018 Kamaljit made another disclosure statement wherein she stated that she and her son purchased 500 grams heroin from Deepa Bhammni S/o Rajnish Kumar and Meeta W/o Bittu. Pursuant to the said disclosure statement, the petitioner Pardeep who is also stated to be known as Deepa Bhammi was arrested on 16.7.2018. However, no recovery was effected from him.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case solely on the basis of the disclosure statement made by co-accused and that in any case, even at the time of arrest no contraband was recovered from the petitioner and in these circumstances, the petitioner cannot be said to be involved in any manner.

Opposing the petition, the learned State counsel has submitted that since co-accused has specifically named the petitioner, his complicity is evident. It has also been informed that the petitioner is involved in one more case of NDPS Act.

Having considered rival submissions addressed before this Court and bearing in mind the fact that the petitioner has been nominated as an accused only on the basis of disclosure statement of co-accused, the

admissibility and veracity of which is yet to be tested during the course of trial and also that petitioner has been behind bars since the last about 8 months and till date only 3 prosecution witnesses, out of 13 cited PWs, have been examined, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and the petitioner Pardeep Kumar is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition stands accepted accordingly.

8.4.2019

rakesh

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No