

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

CRM-M-29753-2019 (O&M)
Date of Decision:-22.7.2019

Ashwani Kumar @ Jimmy

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. L.M. Gulati, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, Sr. DAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.204 dated 24.10.2018 registered at Police Station Cantonment Amritsar, District Amritsar under Sections 21/25/29 of Narcotic Drugs and Psychotropic Substances Act, 1985.

It is the case of prosecution that on 24.10.2018, when the police party was patrolling, then two persons were seen riding a Activa Scooter bearing registration No.PB-02-BH-5651. Upon search of the said two persons namely Sahil Sharma and Anil Kumar, 800 grams of 'heroin' was recovered. It is further the case of prosecution that during the course of interrogation, they disclosed that they had purchased the contraband from the present petitioner Ashwani Kumar @ Jimmy and from one Sanjeev.

Pursuant thereto the petitioner was arrested five days after the aforesaid recovery.

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 alleged disclosure statement of the co-accused and that, in any case, he was neither arrested at the spot nor any recovery was effected from him.

Opposing the petition, the learned State counsel has informed that the petitioner is involved in one more case and that, as such he does not deserve the concession of bail.

Having considered rival submissions addressed before this Court and while noticing that the petitioner was not arrested at the spot and is sought to be implicated solely on the basis of disclosure statement of co-accused, the veracity and admissibility of which is yet to be tested during the course of trial, further detention of the petitioner would not serve any useful. The petition, as such, is accepted and the petitioner Ashwani Kumar @ Jimmy 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.

It is, however, made clear that none of the observations made above shall be construed to be an expression on merits of the main case.

The petition stands accepted accordingly.

22.7.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No