

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52830-2019 (O&M)
Date of decision: 16.12.2019

Deepak Kumar @ Deepa

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Amaninder Preet, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.100 dated 29.06.2019 under Sections 22 & 29 (added later on) of NDPS Act, registered at Police Station Barnala, District Barnala.

Learned counsel for the petitioner submits that aforesaid FIR was registered at Police Station Barnala, District Barnala with the allegations Inspector/SHO Baljit Singh, while on patrol duty, noticed two young boys sitting on the railing of a watercourse. One boy was keeping a white coloured plastic bag and was handing over the strips from one bag to other boy. On suspicion, he apprehended both the boys. They disclosed their names as Hardeep Singh @ Aatu and Manpreet Singh @ Mani. Thereafter, on search of the bag, 850 intoxicant tablets were recovered from them. It is further submitted that father of the petitioner had died on the next day i.e. 30.06.2019 and he was

busy in attending the last rites of his father.

Learned counsel for the petitioner further submits that the petitioner was neither named or nominated as an accused in the aforesaid FIR till 19.07.2019, when disclosure statement of co-accused Hardeep Singh was recorded, after a period of about 20 days. It is further submitted that later on, another FIR No.125 dated 22.07.2019 was registered under Sections 22/29 of NDPS Act, at Police Station Dhanola, District Barnala, with the allegations that one ASI Dharampal, while on patrol duty, received a secret information that two persons namely Amandeep @ Amna and Sukhpreet Singh @ Priti are carrying intoxicant material and recovered 15 vials of Wings (intoxicant syrup). It is also submitted that on the basis of disclosure statement of aforesaid two persons, name of the petitioner surfaced and he was arrested on 07.08.2019.

Learned counsel for the petitioner has argued that in the intervening period, the petitioner was arrested in the present FIR on 26.07.2019 and he was taken on production warrant in FIR No.125. Learned counsel has referred to the contents of FIR No.125 to support his arguments. It is next submitted that firstly; the disclosure statement of Hardeep Singh, in the present FIR, was recorded after a period of about 20 days and thereafter, when the petitioner was arrested on 26.07.2019, second FIR No.125 was also registered on 22.07.2019 and therefore, the petitioner has been nominated in both the cases on the basis of disclosure statement of Hardeep Singh. It is thus argued on behalf of the petitioner that there is no direct evidence against him except the disclosure statement in both the FIRs.

Learned State counsel, on instructions from ASI Karamjit Singh, has not disputed the factual position, especially the date of disclosure statement

recorded in the present FIR, which was recorded after a period of about 20 days.

Without commenting anything on merits of the case, considering the submissions made by learned counsel for the parties, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

16.12.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No