

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

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**CRM-M NO. 3833 of 2020
Date of decision : 03.02.2020**

Happy Singh @ Gurwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Pardeep Kumar, Advocate
for the petitioner.

Mr. Arun Kaundal, DAG, Punjab
for respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

The petitioner has filed the present petition under Section 439 of Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of regular bail in case FIR No. 237 dated 02.12.2019 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Bhikhi, District Mansa.

As per prosecution version, on 02.12.2019, the Police party headed by ASI Sewak Singh apprehended Hardeep Singh @ Nimma and on search as per the prescribed procedure recovered 1450 tablets of Clovidol-100 SR. During investigation accused Hardeep Singh @ Nimma named the petitioner as the person who had abetted/criminally conspired in commission of the offence.

Learned Counsel for the petitioner has submitted that the petitioner was not arrested on the spot. No recovery was made from him. He has been falsely implicated on the basis of disclosure statement of co-

accused Hardeep Singh @ Nimma. Disclosure statement of the co-accused does not constitute substantive evidence against the petitioner and there is no other material to sustain the allegation of his complicity in the crime. Offence under Section 29 of the NDPS Act is not made out against the petitioner. Provisions of Section 37(1)(b) of the NDPS Act are not applicable qua the petitioner. Investigation and trial are likely to take long time. The petitioner is not involved in any other case under the NDPS Act. No useful purpose will be served by keeping the petitioner behind the bars. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has submitted that the petitioner is accused of having abetted/conspired in committed serious offence of possession of 1450 tablets of Clovidol SR, by his co-accused does not deserve bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case that no recovery was made from the petitioner and he has been implicated on the basis of disclosure statement of co-accused, conditions of Section 37(1)(b) of the NDPS Act being satisfied due to nature of evidence against him and his non-involvement in any other case and the fact that no useful purpose will be served by his detention in custody during investigation and trial which are likely to take long time but without expressing any opinion on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on bail on furnishing of bail bonds to the satisfaction of Trial Court.

However, in case of commission of any offence under the

provisions of NDPS Act by the petitioner in future, his bail in the present case shall also be liable to be cancelled on filing of application in this regard.

03.02.2020

Rajeev (rvs)

Whether speaking/reasoned
Whether reportable

(ARUN KUMAR TYAGI)
JUDGE

Yes/No
Yes/No