

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

CRM-M-9288-2020

Date of decision:6.3.2020

BITTU @ LABBAL

.....Petitioner

Versus

STATE OF U.T CHANDIGARH

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Sunil K. Chindaliya, Advocate
for the petitioner.

Kr. Yashwant Singh Rathore, Addl. P.P. U.T. Chandigarh.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.189 dated 26.10.2019 under Section 22 NDPS Act at Police Station Mauli Jagran, Chandigarh.
2. It is the case of prosecution that the petitioner was involved in FIR No.187 dated 22.10.2019 registered under Sections 147, 148, 149, 365, 307, 506 IPC & Section 25 of Arms Act, Police Station Mauli Jagran, Chandigarh, during the course of interrogation of the said case, the petitioner led the police party to the place where he had concealed the blood-stained clothes of the complainant Rajat in the said case and from where a recovery of 37 injection i.e. 15 injections of Bupernorphine Leogesic and 15 injections of Pheniramine Maleate was effected.
3. Learned counsel for the petitioner has submitted that he has falsely been

implicated in the present case and that the recovery stated to have been effected from him has been effected on the basis of alleged disclosure statement, the veracity and admissibility of which would be debatable.

4. Opposing the petition, learned State counsel has submitted that since the recovered contraband i.e. 30 ml. of 'Bupernorphine Leogesic' being more than 20 grams will fall within the quantitative limits of 'commercial' quantity and that the petitioner is a habitual offender being involved in 11 other cases, no case for grant of bail is made out. It has however been pointed out that he is in custody since last more than 4 months.
5. I have considered rival submissions addressed before this Court. It is not disputed that it is a case where the recovery has been effected on the basis of alleged disclosure statement of petitioner himself the admissibility of which is yet to be tested during the course of trial. The petitioner, in any case, has been behind bars since last more than 4 months and 'challan' already stands presented. In these circumstances, further detention of the petitioner will not serve any useful purpose as the conclusion of trial is likely to take some time.
6. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(GURVINDER SINGH GILL)
JUDGE

6.3.2020
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**