

Sr. No.204

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

CRM-M-15719 of 2020 (O&M)

Date of Decision: 03.07.2020

Chiman Singh

...Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Talim Hussain, Advocate,
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking regular bail in FIR No. 86 dated 27.07.2019, registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Mamdot, District Ferozepur.

2. As per allegations in the FIR, one Balwinder Singh (non-applicant) was arrested by the police and from his possession 110 grams of intoxicant powder, whose contents later were found to have containing “tarmadol”, was recovered. The petitioner was involved in this case on the basis of disclosure statement of Balwinder Singh being a person to whom Balwinder Singh had sold one bottle of heroin.

3. Learned counsel for the petitioner submits that the petitioner was neither named in the FIR nor any recovery was effected from him. He has been implicated on the disclosure statement of co-accused, which has no legal sanctity. According to him, the petitioner is in custody since 25.04.2020 and investigation of the case is already over.

4. On the other hand learned State counsel opposes the bail plea. On a query of this Court, she submits that per instructions of ASI Jitender Singh, challan has though been prepared, but the same is pending before Public Prosecutor concerned for approval for being submitted to the Court for trial of the petitioner.

5. Having heard learned counsel for the petitioner and learned State counsel, I am of the opinion that petitioner is entitled to be released on bail. Admittedly, no recovery has been effected from him and his involvement in the offence surfaced on the basis of disclosure statement of co-accused. It is for the trial Court to adjudge the legal permissibility of the disclosure statement. What emerges is that investigation is over and challan has also been prepared and in the premise no further custodial interrogation of the petitioner is required. No useful purpose would be served by keeping the petitioner behind the bars especially when the trial of the case would not likely to conclude soon in the present scenario of Covid-19 pandemic.

6. In the circumstances, without expressing any opinion on the merits of the case, the petition is allowed. Petitioner shall be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/ Duty Magistrate, Ferozepur, as the case may be.

(ARUN MONGA)
JUDGE

03.07.2020
Jiten

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No