

Sr. No. 205

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

CRM-M-16433 of 2020 (O&M)

DATE OF DECISION : 07.10.2020

Anil Kumar @ Anu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

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

Mr. Luvinder Sofat, AAG Punjab.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No. 136 dated 26.04.2020, registered under Section 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station City Kotwali, District Faridkot.

2. Per FIR, on 26.04.2020, while a police party was on patrolling, a secret information was received that one Gagandeep Singh @ Gagan and Balkar Singh were en-route in Honda City car bearing registration No. PB29B-9696. They were allegedly indulgent in selling intoxicating tablets. From them 11555 intoxicant tablets and 585 intoxicant capsules were recovered. FIR was registered. Both of them were arrested. On their disclosure statements, Amritpal Singh and Upinderdeep @ Sangeet were later arrested. And, on their disclosure statement, name of petitioner was also nominated after about one month of the FIR. Petitioner too was arrested by the police on 28.05.2020. He is in custody since then.

2. Learned counsel submits that neither the petitioner was named in the secret information nor anything was recovered from the petitioner.

The petitioner was implicated in this case on the basis of custodial disclosure

statements of co-accused, which are not legally admissible. There has been violation of mandatory provisions of Section 50 of NDPS Act. Learned counsel submits that investigation is already over and custodial interrogation of the petitioner is not required. He further submits that petitioner is not involved in any other case.

4. On the other hand, learned State counsel opposes the bail plea. He, however, does not controvert that petitioner was arrested in this case on the basis of disclosure statements of co-accused. Nothing was recovered from the petitioner and that petitioner is not involved in any other case. He admits that investigation is over and presently there is no headway in the trial due to pandemic.

5. Courts are currently working with restrictions and taking up only urgent matters. The trial has not commenced and the aforesaid contentions of learned counsel are to be adjudged only at the trial. Petitioner is not involved in any other case. Considering the overall scenario, without commenting 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 concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be. It is however, made clear that in case the petitioner is found involved in any other case of similar nature while on bail, the prosecution shall be at liberty to seek cancellation of his bail.

October 07, 2020
Jiten

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No