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

**CRM-M No.17343 of 2020
Date of Decision: 21.07.2020**

JAGDISH SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. D.N. Ganeriwala, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.68 dated 15.05.2020, registered under Section 22 of the NDPS Act at Police Station Kacha Pakka, District Tarn Taran.

Learned counsel for the petitioner submitted that the petitioner has been nominated on the basis of disclosure statement of co-accused Buta Singh, from whom 1000 intoxicant tablets were recovered.

Learned counsel further submitted that since no contraband has been recovered from the petitioner, therefore, Section 37(1)(b)(ii) of the NDPS Act is not applicable in view of Division Bench judgment of this Court in CRM-M No.25433 of 2015 titled '*Dharamveer & Anr. vs. State of Punjab*' decided on 07.10.2015. FSL report has not been received so far.

The factual position of the case has not been refuted by the learned State counsel with reference to any material on record except to allege that the petitioner has been nominated in the disclosure statement of co-accused Buta Singh from whom recovery of 1000 intoxicant tablets has been effected by the Police.

Petitioner is in custody since 15.05.2020. It is not in dispute that petitioner is not involved in any other case. The complicity of the petitioner would remain debatable in view of his involvement on the basis of disclosure statement of co-accused and particularly in view of the fact that no recovery has been effected from the petitioner.

At this stage, without adverting to the merits of the case, I am of the view that petitioner, who is in custody since 15.05.2020 can be enlarged on bail.

In view of above, petition is allowed. Petitioner is

ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

July 21, 2020
Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No