

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

CRM-M-17432-2020

Date of decision: 21.7.2020

AVINESH KUMAR

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Sandeep Kumar Passi, Advocate
for petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in Virtual
Court)*

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.75 dated 22.5.2020 under Sections 22, 25, 29 of the NDPS Act at Police Station City Jalalabad, District Fazilka.
2. It is the case of prosecution that pursuant to secret information received by the police party to the effect that Pince Pruthi and Gaurav Pruthi who are running a medical store indulge in sale of intoxicant tablets and that one Paramjeet used to purchase the said intoxicant tablets from them, the said three were nabbed red handed and 80,000 tablets of Tramadol were recovered from them. Subsequently Gaurav Pruthi is stated to have made a disclosure statement on the basis of which Gaurav Doomra and Gurjeet Singh were also nominated as accused and were apprehended and from

whose possession 4,000 tablets of Tramadol were recovered. It is still further the case of prosecution that the aforesaid Gurjeet Singh thereafter nominated Dheeraj Kumar as well as the present petitioner as accused being supplier and consequently the present petitioner came to be arrested.

3. Learned counsel for the petitioner has submitted that he has falsely been nominated as an accused on the basis of alleged disclosure statement made by co-accused and that no recovery whatsoever was ever effected from him. It has further been submitted that an identically situated co-accused Dheeraj Kumar who was also nominated on the basis of disclosure statement of Gurjeet Singh has already been granted bail vide order dated 14.7.2020 passed in CRM-M-16763-2020 and in that circumstances, the petitioner, in any case deserves concession of bail on the ground of parity.
4. Opposing the petition, learned State counsel has submitted that since it is a case of recovery of commercial quantity of contraband from co-accused who had nominated the petitioner also an accused, no case for grant of bail is made out. It has also been informed that the petitioner stands involved in one more case registered under NDPS Act.
5. I have considered rival submission addressed before this Court.
6. In view of the facts and circumstances of the case especially that no recovery was ever effected from the petitioner who has been nominated on the basis of disclosure statement, the authenticity & veracity of which is yet to be established, in my opinion, further detention of the petitioner

will not serve any useful purpose as conclusion of trial is likely to take some time.

7. 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.

21.7.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

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

Whether reportable? **Yes / No**