

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-20621-2020 (O&M)
Date of Decision:-17.9.2020

Sunil Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Luvinder Sofat, AAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.75 dated 22.5.2020 at Police Station City Jalalabad, District Fazilka under Sections 22/25/29 of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. It is the case of prosecution that a secret information was received by the police to the effect that Prince Pruthi and his brother Gaurav Pruthi were running a medical store and in connivance with one Paramjit Singh used to sell intoxicant tablets in an illegal manner. Information was further to the effect that Paramjit Singh after purchasing the said intoxicant tablets was present at village Jaba in order to further sell the same in other villages.

Pursuant to receipt of aforesaid information barricading was raised by the police and two persons namely Gaurav Pruthi and Paramjit Singh were apprehended. Upon search of the aforesaid persons 40,000 tablets of Tramadol were recovered from them. It is further case of prosecution that subsequently Gaurav Pruthi made a disclosure statement which led to nabbing of Gaurav Doomra, who was also found in possession of 40,000 tablets. The aforesaid Gaurav Doomra further made a disclosure statement nominating Gurjit Singh also an accused and who was also apprehended and from his possession 4,000 tablets of Tramadol was recovered.

3. The learned counsel for the petitioner has submitted that, in the present case, as per the case of prosecution, Gaurav Pruthi and Paramjit Singh were initially arrested and from whose possession 40,000 tablets of 'Tramadol' were recovered and who later made a disclosure statement nominating Gaurav Doomra and Gurjit Singh as their co-accused and upon arrest of Gaurav Doomra and Gurjit Singh, they further suffered a disclosure statement nominating Dheeraj Kumar and Avinesh Kumar as their co-accused and subsequently upon arrest of Dheeraj Kumar and Avinesh Kumar, they are also alleged to have suffered a disclosure statement nominating Sunil Singh (petitioner) as an accused.
4. The learned counsel for the petitioner has submitted that the aforesaid chain of disclosure statements itself shows that the police does not have any cogent and convincing evidence to connect the petitioner and that, in any case, since the petitioner was never apprehended by the police, nor any recovery whatsoever was ever effected from the petitioner, the petitioner is entitled to grant of bail. The learned counsel has further submitted that the petitioner has been behind bars since the last about three months.

5. Opposing the petition, the learned State counsel has submitted that since name of the petitioner has been disclosed specifically by co-accused Dheeraj Kumar and Avinesh Kumar, no case for grant of bail is made out. The learned State counsel has, however, informed that the petitioner has been behind bars since the last about 3 months.
6. I have considered rival submissions addressed before this Court.
7. Keeping in view the fact that the petitioner was never apprehended at the spot and has been nominated as an accused on the basis of disclosure statement made by co-accused, the veracity and admissibility of which would be debatable, and while also noticing that the petitioner has been behind bars since the last about 3 months, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

17.9.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No