

In virtual Court

CRM-M-23408-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23408-2020 (O&M)

Date of decision: 25.08.2020

Pardeep Singh @ Giani @ Dharminder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Dhillon, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.245 dated 28.12.2019 under Sections 22 & 29 of NDPS Act, registered at Police Station Sadar Sangrur.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police party, on suspicion, apprehended one person, who was coming on feet and was carrying a plastic bag. When he thrown the bag on road and tried to run away, he was apprehended by the police officials and on checking, 1700 tablets of Clovidol-100 SR were found. It is further submitted that during the investigation, on the disclosure statement made by co-accused Gurdeep Singh @ Laddi, the petitioner as well as one co-accused Jaswinder Singh were nominated and they were arrested. It is also submitted that co-

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accused Jaswinder Singh has been granted the concession of anticipatory bail vide order dated 14.01.2020 passed by Judge, Special Court, Sangrur, noticing the fact that he was not arrested at the spot and was nominated by co-accused.

Learned counsel for the petitioner further submits that the petitioner was arrested in this case and thereafter, the trial Court granted him interim bail awaiting FSL report and he has surrendered back to show his bonafide. It is next submitted that the petitioner is not involved in any other case and he has undergone 03 months of custody excluding the period, when he was on interim bail. It is further submitted that when the petitioner was arrested, no recovery was effected from him, therefore, only evidence against the petitioner is disclosure statement, which is not followed by any recovery and thus, it will be a matter of trial whether the same is admissible against the petitioner or not.

Learned State counsel has filed the custody certificate and has not disputed the factual position.

Without commenting anything on merits of the case, considering the aforesaid submissions made by learned counsel for the parties, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

25.08.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No