

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

CRM-M-23327-2019 (O&M)
Date of decision: **23.9.2020**

BALWANT SINGH @ BABBU

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Ms. Manjot Kaur, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(Proceedings conducted through video conferencing).

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.163 dated 15.8.2018 under Section 15 of NDPS Act at Police Station City Samana, District Patiala.
2. The allegations in nut-shell are to the effect that while the police party was on patrolling on 15.8.2018, a white coloured Swift Dzire car bearing registration No.DL-1CM-5055 was signalled to stop but the driver of the said vehicle instead of stopping the same tried to speed away the vehicle. It is alleged that two persons were sitting in the car and the car was chased by the police. The driver of the car was apprehended, who upon

inquiry disclosed his name as Nanak Singh. However the other person sitting along with him managed to escape. Upon inquiry, Nanak Singh disclosed the name of his accomplice as Babbu. On search of the vehicle in question 100 kilograms of 'poppy husk' was recovered.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and has been nominated as an accused on the basis of disclosure statement allegedly made by co-accused Nanak.
4. Opposing the petition, the learned State counsel has submitted that since the name of the petitioner figures in the FIR as his name was disclosed by his co-accused and huge recovery of contraband was effected from the vehicle in question no case for grant of bail is made out. Learned State counsel has however informed that the petitioner, as on date, has been behind bars since last 1 year, 8 months and 15 days. It has further been informed that the petitioner is involved in one more case registered under the NDPS Act.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that the petitioner was not apprehended at the spot and has been nominated an 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 last more than 1 year & 8 months, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to consume some time. 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.

23.9.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

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

Whether reportable? **Yes / No**