

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

CRM-M-24562-2020 (O&M)

Date of decision : 31.08.2020

Sabhi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gagandeep Singh Simble, Advocate for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

ANIL KSHETARPAL, J. (ORAL)

The petitioner-Sabhi prays for bail pending trial in a criminal case arising from FIR No.148 dated 30.06.2020 registered under Sections 21, 22, 29 of the Narcotics Drugs and Psychotropic Substances Act, 1985 at Police Station Bhogpur, Police District Jalandhar Rural, District Jalandhar.

In a nutshell, the case of the prosecution is that one Rajan was allegedly found in conscious possession of 10 bottles Maxcoff-T and 3 grams Heroin. On the disclosure statement of the alleged Rajan, the petitioner is sought to be indicted as an accused in the present case.

Learned counsel for the petitioner contends that the petitioner no doubt is involved in another FIR i.e. FIR No.150 dated 01.07.2020 for possessing 1 gram heroin, however, there is no evidence of involvement of the petitioner in this case.

On the other hand, learned counsel for the State has submitted that the petitioner is a habitual offender.

It may be noted here that the petitioner is involved in two FIRs, one referred to the above and second FIR No.150 dated 01.07.2020. Both the FIRs are registered in the same Police Station.

Learned counsel for the State has admitted that at present only evidence against the petitioner is the disclosure statement of Rajan.

It is debatable as to whether such disclosure statement of a co-accused in police custody would be admissible in evidence or not against the petitioner.

Without commenting on the merits of the case and keeping in view the facts of the case, the petitioner is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, the present petition is allowed.

31.08.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No