

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

CRM-M-27154-2020 (O&M)

Date of Decision:-15.9.2020

Surinder Pal Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. H.P.S. Ghuman, Advocate for the petitioner.

Mr. Randhir Singh Thind, Deputy Advocate General, 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 vide FIR No.29 dated 21.2.2020 at Police Station City Samana, District Patiala under Sections 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The FIR was lodged on 21.2.2020, wherein it is alleged that a secret information was received by the police to the effect that Gurvinder Singh, who is running a Karyana Shop, indulges in sale of intoxicating tablets. Pursuant to receipt of said information, a raid was conducted at the shop of said Gurvinder Singh and recovery of 1100 intoxicating tablets was effected from the shop of Gurvinder Singh, who was present therein and was arrested. It is further the case of prosecution that during the course of interrogation, the aforesaid Gurvinder Singh made a disclosure statement to the effect that he alongwith his brother Surinderpal Singh (petitioner) indulged in sale of intoxicating tablets.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and has been nominated as an accused on the basis of alleged disclosure statement made by co-accused and that the petitioner was never arrested at the spot nor any recovery was ever effected from him.
4. Opposing the petition, the learned State counsel has submitted that since name of the petitioner has been disclosed specifically by Gurvinder Singh, who was found in possession of the contraband, 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 more than 6 months and that he is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. 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 more than 6 months and is not involved in any other case, 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.

15.9.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No