

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

CRM-M-36251-2020

Date of Decision: 10.11.2020

Mukhwak Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. D.N.Ganeriwala, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.131, dated 11.07.2020, Police Station Kalanour, District Gurdaspur, under Section 22 of the NDPS Act, 1985 (Section 29 of the NDPS Act added later on).
2. It is the case of the prosecution that one Joginder Singh was apprehended by the police and his search yielded recovery of 1300 tablets of Clovidol-100 SR (Tramadol). It is further the case of the prosecution that during the course of interrogation, the said accused Joginder Singh made a disclosure statement to the effect that he had procured the said intoxicant tablets from the petitioner.
3. Learned counsel for the petitioner has submitted that he has falsely been nominated as an accused in the present case on the basis of a disclosure statement allegedly made by co-accused, which would hardly carry any value. It has, thus, been submitted that since no

recovery whatsoever was ever affected from the petitioner, the petitioner deserves the concession of bail.

4. Opposing the petition, learned State counsel has submitted that since the name of the petitioner is discovered from the disclosure statement of co-accused from whom huge quantity of contraband was recovered, no case for grant of bail is made out. The learned State counsel has however informed that the petitioner has been behind bars since one month and that challan has already been presented and that the petitioner is not involved in any other case.
5. I have considered rival submissions addressed before this Court. Keeping in view the fact that the petitioner has been nominated as an accused on the basis of a disclosure statement, the veracity and admissibility of which is debatable and also that the petitioner is not involved in any other case, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take 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.

10.11.2020

Vimal

(GURVINDER SINGH GILL)**JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**