

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

(through video conferencing)

223

CRM No.M-40675 of 2020

Date of decision: 10.12.2020

Pargat Singh

Petitioner

Vs.

State of Punjab

Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jitender Singh Dadwal, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

MANJARI NEHRU KAUL, J.

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The present petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner, in case FIR No. 37, dated 27.04.2019, under Section 21 of NDPS Act, 1985, registered at Police Station Jhabal, District Tarn Taran.

Learned counsel *inter alia* contends that the petitioner has been falsely implicated in the case in hand, on the basis of weak evidence i.e. disclosure statement of co-accused Amarjit Singh @ Amar, made before the police and from whom the alleged recovery of 360 grams of heroin, was effected. Learned counsel has further submitted that the false implication of the petitioner in the case in hand is evident from the fact that the petitioner was already in custody in another case, hence, he could not have been in any way involved in the FIR in question, inasmuch as, even supplied the alleged contraband to co-accused Amarjit Singh @ Amar, as stated by him in the disclosure statement. The petitioner is in custody since 29th April, 2019

and the trial is unlikely to conclude in the near future, more so, in the wake of outbreak of pandemic COVID-19.

Per contra, learned State counsel while opposing the prayer of the learned counsel for the petitioner, has submitted that the prosecution evidence is underway and out of 14 prosecution witnesses, 01 prosecution witness stands examined.

Heard.

In view of the submissions made by learned counsel for the petitioner and keeping in mind the fact that the petitioner has been nominated as an accused on the basis of a disclosure statement, the evidentiary value of which admittedly is of a weak nature, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

December 10, 2020

Poonam Sharma

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No