

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

CRM-M-41569-2020 (O&M)

Date of Decision:-15.12.2020

Gurmail Singh @ Gelu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. L.S. Sekhon, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
assisted by ASI Krishan Kumar.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.117 dated 12.8.2020 at Police Station Jakhal, District Fatehabad under Sections 22-C and 27-A of Narcotic Drugs and Psychotropic Substances Act, 1985, wherein the allegations, in nutshell, are that Mani Ram co-accused was apprehended by the police, who was found to be in possession of 4000 tablets of 'Clovidol' which upon chemical examination were found to contain 'Tramadol Hydrochloride'. It is further the case of prosecution that during the course of interrogation of Mani Ram, he disclosed that the aforesaid tablets had been supplied to him by the petitioner.
2. Learned counsel for the petitioner has submitted that the petitioner has been nominated as an accused on the basis of a disclosure statement made by co-

accused which would hardly carry any evidentiary value and that no recovery whatsoever was ever effected from him.

3. Opposing the petition, the learned State counsel has submitted that since the name of the petitioner surfaces in the disclosure statement made by Mani Ram from whom huge quantity of contraband was recovered, no case for grant of bail is made out. It has further been submitted that the petitioner has been involved in two other cases and while he stands acquitted in one of them, the other one is still pending. It has however, been informed that the petitioner has been behind bars since the last about 3 months and that challan already stands presented.
4. Having regard to the aforestated factual position especially that the petitioner was never found in possession of any contraband and has been nominated as an accused on the basis of a disclosure statement made by co-accused, the admissibility of which would be debatable and the fact that the petitioner has been behind bars since the last about 3 months, 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 regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

15.12.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No