

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

CRM-M-50787-2019

Date of decision: 19.2.2020

GURMAIL SINGH

.....Petitioner

Versus

UNION OF INDIA CONTROL BUREAU CHANDIGARH

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Sunny K. Singla, Advocate
for the petitioner.

Mr. Aashish Bishnoi, Advocate
for the respondent-UI.

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.19 dated 24.4.2019 under Sections 8, 18, 27-A, 29 & 60 NDPS Act at Police Station Narcotics Control Bureau, Chandigarh.
2. It is the case of prosecution that on 23.4.2019 pursuant to receipt of secret information three persons namely Hari Shanker, Rajesh Kumar and Rahul were apprehended who were found in possession of 4.65 kilograms of "Opium". It is further the case of prosecution that during interrogation they disclosed that the said "Opium" was to be delivered to the petitioner Gurmail Singh, Nirmal Singh and Lakhwinder.
3. Learned counsel for the petitioner has submitted that he was never arrested at the spot and is sought to be nominated as an accused on the

basis of alleged statement of co-accused recorded during the course of their interrogation, the veracity & admissibility of which would be debatable.

4. Opposing the petition, learned State counsel has submitted that since the petitioner has specifically been named by the co-accused from whose possession huge quantity of “Opium” was recovered and during the course of investigation it was found that an amount of ₹2 lakhs had been transferred by the petitioner in the account of Hari Shankar and that he was regularly in touch with the co-accused over telephone, the same would clearly show complicity of the accused. It has however been informed that the petitioner is not involved in any other case and that as on date only 2 PWs out of cited 29 PWs have been examined.
5. I have considered rival submissions addressed before this Court. Bearing in mind the fact that the petitioner was not arrested at the spot and is sought to be nominated on the basis of disclosure statement, the veracity and admissibility of which is yet to be tested during the course of trial, in my opinion, further detention of the petitioner will not serve any useful purpose as the conclusion of trial is likely to take some time.
6. 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.

(GURVINDER SINGH GILL)
JUDGE

19.2.2020
Gaurav Sorot

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No