

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

212

CRM-M-82-2021(O&M)
Decided on: 25.02.2021

Jarnail Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through Video Conferencing)

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.139 dated 28.10.2020, for offence punishable under Sections 22, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act'), registered at Police Station Tapa Mandi, District Barnala.

Counsel for the petitioner submits that FIR was registered on a secret information that co-accused Avtar Singh @ Gagan is indulged in a business of narcotics and is carrying some intoxicant tablets. The police, thereafter, arrested Avtar Singh @ Gagan and 490 tablets of Tramadol and Hydrochloride, 1000 loose tablets were recovered. Thereafter, Avtar Singh @ Gagan made a disclosure statement and nominated co-accused Som Nath @ Kala as well as the petitioner as his accomplice.

Counsel for the petitioner submits that after the arrest of

the petitioner, no recovery was effected from him and the petitioner was neither named in the secret information nor in the FIR. Counsel for the petitioner has relied upon the judgment of Hon'ble the Supreme Court in “*Tofan Singh vs. State of Tamil Nadu*”, passed in Criminal Appeal No.152 of 2013, decided on 29.10.2020 to submit that it will be for the trial Court to decide whether the disclosure statement of the co-accused is admissible against the petitioner and no recovery was effected from him.

Counsel for the petitioner further submits that co-accused Som Nath @ Kala has already been released on anticipatory bail vide order dated 15.01.2021 passed in CRM-M-2052 of 2021.

Learned State counsel has filed the custody certificate and as per the custody certificate, the petitioner is in custody for the last three months and 15 days and is not involved in any other case under the NDPS Act. Learned State counsel could not dispute the factual position as argued by counsel for the petitioner, however, submits that challan is yet to be presented.

After hearing counsel for the parties, I find it to be a fit case for grant of regular bail to the petitioner, this petition is allowed and he is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

(ARVIND SINGH SANGWAN)
JUDGE

25.02.2021
anju

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No