

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 206

CRM-M-6345-2021

Date of decision : 29.04.2021

Naresh Kumar

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Ankush Singla, Advocate, for the petitioner.

Mr.H.S.Multani, AAG, Punjab.

DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.85 dated 04.12.2020, registered under Sections 22/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Tallewal, District Barnala.

Briefly stated, the case of the prosecution is that one Ferozdeen was arrested as 3000 tablets of Clovidol 100 SR were recovered from him; during the course of his interrogation he confessed to be a member of a gang indulging in trafficking of illicit drugs of which Balwinder Singh @ Nikka, Lovepreet Singh, Arwinder Singh, Satvir Singh @ Satti and Aman Singla were the other members; he further disclosed that he used to sell the intoxicant drugs to the petitioner and on this basis the petitioner was nominated as an accused and arrested.

Seeking regular bail for the petitioner learned counsel submits that the petitioner has been falsely implicated; he is in custody since 18.12.2020; there is no other criminal case in which he is involved; the petitioner was nominated as an accused on the alleged disclosure statement made by co-accused Ferozdeen which statement is not admissible in evidence as the same was allegedly made by him in police custody; no recovery of any intoxicant drug has been effected from the

petitioner; investigation in this case is complete and that the petitioner's trial, which is yet to commence, will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that 3000 tablets of Clovidol 100 SR have been recovered from the illegal possession of the petitioner's co-accused Ferozdeen.

The evidentiary value of the statement of co-accused Ferozdeen on the basis of which the petitioner was nominated as an accused, would be considered during the course of the petitioner's trial. However, the petitioner is in custody since 18.12.2020; he is not involved in any other criminal case; investigation in this case is complete; no recovery of any intoxicant drug was effected from the petitioner and the petitioner's trial, which is yet to commence, is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Barnala, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

29.04.2021
shamsher

[DEEPAK SIBAL]
JUDGE

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