

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

CRM-M-8113-2021 (O&M)
Date of Decision:-26.2.2021

Naseeb

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. V.B. Godara, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
assisted by SI Surender Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.390 dated 20.10.2020 at Police Station Sadar, Fatehabad, District Fatehabad under Sections 21(c) and 27-A of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. It is the case of prosecution that two persons namely Puran Chand and Sumit were caught red handed by the police on 20.10.2020 while in possession of 260 grams of '*heroin*'. It is further the case of prosecution that during the course of interrogation they disclosed that it is the petitioner, who had supplied the said '*heroin*' to them.
3. Learned counsel for the petitioner has submitted that the petitioner is nowhere named in the FIR and is sought to be nominated as an accused on

the basis of disclosure statement of co-accused, the veracity and admissibility of which would be debatable and, as such, the petitioner deserves the concession of bail.

4. Opposing the petition, learned State counsel has submitted that since the co-accused have specifically named the petitioner as their supplier and the petitioner happens to be involved in one more case, no case for grant of bail is made out. The learned State counsel has, however, informed that the petitioner has been behind bars since the last 2½ months.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner was apprehended at the spot. The veracity and admissibility of the disclosure statement of the co-accused, on the basis of which the petitioner was arrested, would be debatable. In these circumstances, further detention of the petitioner would not be justified as conclusion of trial is likely to take some time. 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.

26.2.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No