

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

CRM-M-11097-2021 (O&M)
Date of Decision:- 16.3.2021

Monu ... 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 Prahlad Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.09 dated 4.1.2020 under Sections 21(b)/27-A/61/85 of NDPS Act at Police Station Bhuna, District Fatehabad.
2. As per the case of prosecution, one Gurdeep Singh was apprehended by the police and who was found in possession of 6 grams of heroin. It is further the case of prosecution that during the course of interrogation, the said Gurdeep Singh disclosed that he had purchased the aforesaid contraband from Monu (petitioner).
3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the instant case on the basis of alleged disclosure statement made by Gurdeep Singh, the veracity and admissibility of which would be debatable.

4. Opposing the petition, the learned State counsel has submitted that since Gurdeep Singh from whom recovery of contraband was effected has specifically named the petitioner as the supplier, no case for grant of bail is made out. It has further been submitted that the petitioner stands involved in 3 other identical cases and as such, does not deserve the concession of bail. The learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 2 ½ months and that challan already stands presented.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the recovered contraband would fall in the category of 'non-commercial' quantity. Further the fact that the petitioner came to be nominated on the basis of a disclosure statement would also require some kind of corroboration as regards the alleged involvement of the petitioner who is stated to have supplied the contraband. In any case, since the petitioner has been behind bars since the last about 2 ½ months and challan already stands presented, further detention of the petitioner will not serve any useful purpose.
7. 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.

16.3.2021

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No