

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

CRM-M-12668-2021 (O&M)
Date of Decision:-23.3.2021

Seera Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. L.S. Sekhon, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Dalel Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of the case registered vide FIR No.194 dated 22.11.2020 registered at Police Station City-I Mansa, District Mansa under Sections 22 and 29 of Narcotic Drugs and Psychotropic Substances Act.
2. As per the case of prosecution one Balwant Singh @ Bony was apprehended by the police, who was found in possession of 11 vials of WINCIREX 100 ML each (containing Codeine Phosphate). It is further the case of prosecution that during the course of interrogation the aforesaid Balwant Singh @ Bony disclosed that the aforesaid contraband had been supplied to him by the petitioner Seera Singh.

3. Learned counsel for the petitioner has submitted that the petitioner is nowhere named in the FIR and nor any recovery was ever effected from him and that the petitioner has been named on the basis of a disclosure statement made by co-accused, which would hardly carry any evidentiary value.
4. Opposing the petition, the learned State counsel has submitted that since the co-accused from whom contraband was recovered has specifically named the petitioner as the supplier, he 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 months and that although he was earlier involved in one more case but as on date, he stands acquitted.
5. I have considered rival submissions addressed before this Court.
6. Bearing in mind the fact that no contraband was ever recovered from the petitioner and that the petitioner has been named on the basis of disclosure statement of co-accused, the admissibility of which would be debatable and while noticing that the petitioner has been behind bars since the last about 2 months and is not stated to be presently involved in any case, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted, and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.3.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No