

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

CRM-M No. 20006 of 2021 (O&M)

Date of Decision: 16.09.2021

Gursewak Singh

..... Petitioner

V/s.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Amaninder Preet, Advocate
for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

Deepak Sibal, J. (Oral)

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

The petitioner is being prosecuted for buying/ selling of intoxicants to co-accused-Ferozedeem from whom 3000 tablets of Clovidol 100-SR were recovered and also to one of the prosecution witnesses-Satpal Singh.

Seeking regular bail for the petitioner, learned counsel inter alia contends that the petitioner has been falsely implicated in this case; no other case under the NDPS Act is pending against him; he is in custody since 24.03.2021; there is no recovery of any narcotics from the petitioner; the

alleged recovery of 3000 tablets of Clovidol 100-SR is from co-accused-Ferozedeem who is alleged to have stated, in police custody that he used to buy/sell narcotics from the petitioner which evidence is not admissible under Section 25 of the Indian Evidence Act, 1872; PW-Satpal Singh's alleged statement with regard to the petitioner dealing with narcotics is also vague, non-specific and uncorroborated and that in the petitioner's trial in which 13 prosecution witnesses still remain to be examined, will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he indulges in selling/ buying of narcotics and if released on bail, he may commit similar offences.

The evidentiary value of the alleged disclosure statement of co-accused-Ferozedeem and the statement made by PW-Satpal Singh would be considered during the course of the petitioner's trial. However, the petitioner, who is a young man aged 27 years, has no other criminal case pending against him; investigation in this case is complete and that the petitioner's trial in which 13 prosecution witnesses still remain to be examined, is likely to take long time to conclude.

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 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.

16th September, 2021
Sonia Puri

(DEEPAK SIBAL)
JUDGE

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