

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

CRM-M-22726-2021 (O&M)
Date of Decision:-29.6.2021

Babu Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Sikander 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 a case registered vide FIR No.51 dated 21.4.2021 at Police Station Special Task Force, STF Wing Mohali, Punjab under Sections 21(b) and 29 of NDPS Act.
2. As per the case of prosecution a woman and a young man were apprehended while they were sitting in a car and while the woman disclosed her name as Teresa, the man accompanying her disclosed his name as Gurmeet Singh. It is further the case of prosecution that the personal search of the aforesaid two

yielded recovery of 200 grams of '*Heroin*' from Teresa apart from an amount of ₹3,96,200/-. It is further the case of prosecution that during the course of interrogation the aforesaid Teresa is alleged to have disclosed that the contraband was to be delivered to one Babu Singh (petitioner).

3. Learned counsel for the petitioner has submitted that the petitioner was never ever arrested at the spot nor any recovery was effected from him and that he has been nominated as an accused on the basis of a disclosure statement allegedly made by co-accused, the veracity of which would be debatable. It has further been submitted that in any case even the recovery allegedly effected from co-accused Teresa would fall in the category of 'non-commercial' quantity and in these circumstances the petitioner, who has been behind bars since the last more than 2 months, deserves the concession of bail.
4. Opposing the petition, learned State counsel has submitted that since the co-accused has specifically nominated the petitioner as their associate, no case for grant of bail is made out. Learned State counsel has further informed that the petitioner already stands convicted in a case of recovery of 2 kgs. of '*poppy husk*' and, as such, he is disentitled for grant of bail.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that no recovery was ever effected from the petitioner and that he has been nominated on the basis of a disclosure statement and while noticing that it is a case of recovery of 'non-commercial' quantity of contraband, the petition 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.

29.6.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No