

In virtual Court

CRM-M-23577-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23577-2021 (O&M)
Date of decision: 01.07.2021

Shyam Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.229 dated 26.05.2020 under Section 18, 27(a) of NDPS Act, Section 51(b) of Disaster Management Act and Section 188 IPC, registered at Police Station City Tohana, District Fatehabad.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of ASI Pardeep Kumar, while on patrol duty, he found that Manoj @ Jhabbal, Balu Singh, Baljeet, Kaku @ Binder and Sanjeev Kumar are in joint possession of 03 kgs 20 grams of opium. During interrogation, Ballu Singh disclosed name of the petitioner as supplier of the

same and thereafter, the petitioner was arrested. It is further submitted that the petitioner is first offender and is not involved in any other case and he was not found present at the spot, from where five other persons were arrested and recovery was effected. Learned counsel has referred to a judgment of the Hon'ble Supreme Court in **Tofan Singh Vs. State of Tamil Nadu, 2013 (4) RCR (Crl.) 631**, to submit that it will be a debatable issue whether the disclosure statement made by co-accused will be admissible against the petitioner or not.

Learned counsel for the petitioner has further submitted that co-accused of petitioner Baljeet, Kaku @ Binder and Manoj @ Jhabbal have already been granted the concession of regular bail vide order dated 16.03.2021 passed in CRM-M-1453-2021, order dated 23.04.2021 passed in CRM-M-16429-2021 and order dated 21.05.2021 passed in CRM-M-18409-2021, respectively, considering the fact that challan has already been presented and they are in long custody. It is thus submitted that the persons, from whom recovery was effected, have already been released on bail.

Learned State counsel has filed the custody certificate dated 30.06.2021 in the Court today. As per this custody certificate, the petitioner is in custody for the last 01 month and 16 days and is not involved in any other case. It is submitted that investigation is complete and challan stands presented qua other accused.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and

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circumstances of the case and also in view of the fact that the petitioner is not involved in any other case and his aforesaid co-accused have already been released on regular bail, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

**[ARVIND SINGH SANGWAN]
JUDGE**

01.07.2021

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No