

In virtual Court

CRM-M-24861-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24861-2021 (O&M)
Date of decision: 06.07.2021

Abhishek Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.S. Sarwara, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.137 dated 01.11.2020 under Section 22 of NDPS Act (Section 29 of NDPS Act was added later on) and Section 25 of Arms Act, registered at Police Station Bhadson, District Patiala.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police party stopped two boys, who were riding on a motorcycle, on suspicion. On asking, driver disclosed his name as Gurtej Singh and the pillion rider told his name as Sukhjinder Singh. Thereafter, the Investigating Officer carried out the search of a black coloured bag and found that it contains total 5000 tablets of Tramadol Hydrochloride and a pistol. It is further

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submitted that the petitioner is a young man aged about 20 years and has no antecedents of involvement in any other drug case and he has been nominated only on the basis of disclosure statement of co-accused that they had purchased it from the petitioner. It is also submitted that the investigation is complete and after arrest of the petitioner, nothing was recovered from him, so as to corroborate the disclosure statement made by co-accused. 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 State counsel has filed the custody certificate dated 06.07.2021 in the Court today. As per the custody certificate, the petitioner is in custody for the last about 04 months and is not involved in any other case.

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

06.07.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No