

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

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**CRM-M-28536-2021
Decided on : 29.07.2021**

Gurtej Singh @ Mohna

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Ms. Neha Shukla, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by ASI Malkiat Singh.

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 0008, dated 01.03.2021, under Section 22/29/61 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Dharamgarh, District Sangrur.

At the outset, on a pointed query put to learned counsel for the petitioner as to what was the material change in circumstances, which would warrant entertaining the second petition, she has apprised the Court that investigation has since been completed, challan stands presented and similarly situated co-accused has since been extended the concession of interim bail by this Court vide order dated 15th June, 2021 (appended as Annexure P-2). Learned counsel submits that the petitioner is not a man of criminal antecedents and has been falsely implicated in the case in hand on the basis of a disclosure statement allegedly made by the main accused Gurmail Singh from whom the recovery of 1200 intoxicant tablets, was

effected. Learned counsel further submits that the evidentiary value of such disclosure statement is of a weak nature. It has also been submitted that subsequent to the disclosure statement so made by the co-accused no recovery of any contraband was effected from him.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Malkiat Singh, has conceded that the petitioner was nominated as an accused on the basis of disclosure statement made by co-accused Gurmail Singh. Still further on instructions the State counsel has conceded that the petitioner is not involved in any other case of similar nature and that he is similarly situated as co-accused Ram Niwas, who has since been extended the concession of interim bail by this Court vide order dated 15.06.2021 (Annexure P-2).

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that petitioner has been in custody since 05th March, 2021, I deem it a fit case for grant of the concession of regular bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 29, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*