

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

1. **CRM-M-26262 of 2020**
Date of Decision:-16.02.2021

Kuldeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

2. **CRM-M-28113 of 2020**

Sukhdev Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr.Rishu Garg, Advocate
for the petitioner (in CRM-M-26262 of 2019).

Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner (in CRM-M-28113 of 2020).

Mr. Sarabjit Singh Cheema, AAG, Punjab
assisted by ASI Tarsem Singh.

(Proceedings conducted through Video Conferencing)

GURVINDER SINGH GILL J.(Oral)

This order shall dispose of the aforesaid two petitions filed
on behalf of petitioner Kuldeep Singh and Sukhdev Singh respectively

seeking grant of regular bail in a case registered vide FIR No.95 dated 15.07.2020, under Section 22/25/29-61-85 of Narcotic Drugs and Psychotropic Substance Act, 1985, registered at Police Station Dhanaula, District Barnala.

The FIR in question was lodged pursuant to receipt of a secret information on 15.07.2020 by the police to the effect that Chamkaur Singh, Manpreet Singh and Bhinder Singh had formed a gang and used to supply intoxicant tablets to drug addicts and that on the said day they were roaming in village Dhanaula and in case a raid is conducted they could be caught red handed. It is further the case of the prosecution that pursuant to receipt of said information the police was able to nab the aforesaid three persons, from whose possession 1000 tablets of Tramadol were recovered. It is further the case of the prosecution that during the course of interrogation, the aforesaid persons suffered disclosure statements to the effect that the said contraband had been supplied by petitioner Sukhdev Singh and Kuldeep. It is further the case of the prosecution that after about four days of the arrest of the petitioners they also made disclosure statements leading to recovery of more intoxicating tablets. While the petitioner Sukhdev Singh is alleged to have got recovered 12200 tablets on 20.07.2020, the petitioner Kuldeep Singh alleged to have got recovered 870 tablets of Clovidol.

Learned counsel for the petitioner(s) has submitted that they have falsely been nominated in the instant case and that neither there is any secret information against them nor they were arrested at the spot and that

no sanctity can be attached to the alleged recovery of contraband which is stated to have been effected much after their arrest.

Opposing the petitions, the learned State counsel has submitted that since it was pursuant to disclosure statements made by the petitioners themselves, that huge quantity of contraband was recovered, no case for grant of bail is made out. Learned State counsel, however, informed that both the petitioners have been in custody for the last about seven months. It is further informed that petitioner Kuldeep Singh had earlier been involved in four cases including one case registered under the NDPS Act but in that case he has already been acquitted. It has further been informed that petitioner Sukhdev Singh is not involved in any other case.

Having regard to the facts and circumstances of the case and while bearing in mind that the petitioners were never arrested at the spot and have been nominated as accused on the basis of disclosure statement, the admissibility and veracity of which would be debatable and the fact that the petitioners have been behind bars since the last about seven months, further detention of the petitioners will not serve any useful purpose as the conclusion of trial will take some time. The petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

February 16, 2021
Vijay Asija

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No