

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-33886-2021 (O&M)  
Date of decision: 26.11.2021

Jaswinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present: Mr. J.S. Warring, Advocate  
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

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**ARVIND SINGH SANGWAN, J. (ORAL)**

Prayer in this petition is for grant of regular bail in FIR No.58 dated 24.04.2021 under Sections 22(c) & 25 of NDPS Act (Section 29 of NDPS Act was added later on), registered at Police Station Nathana, District Bathinda.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police arrested co-accused Harminder Singh @ Nikka and Gursewak Singh and recovered 2500 tablets of Celcidol-100 SR. It is further submitted that the petitioner was later on nominated in the FIR on the basis of disclosure statement of aforesaid co-accused and even after his arrest, nothing was recovered from him. It is also submitted that investigation is complete and the petitioner is in custody for the last 06 months and 11 days. Learned counsel

has relied upon a judgment of the Hon'ble Supreme Court in ***Tofan Singh Vs. State of Tamil Nadu, 2013(4) RCR (Criminal) 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, on the basis of custody certificate dated 25.11.2021 filed in the Court today, has not disputed the factual position, however, submits that the petitioner is involved in one more case under NDPS Act, in which he was found in possession of 03 grams of heroin, which is of small quantity.

After hearing learned counsel for the parties, without commenting anything further 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

26.11.2021  
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No