

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

215

CRM-M-34007-2021 (O&M)

Date of Decision: 20.12.2021

Gurmail Singh @ Mohli

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. L.S.Sekhon, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Randhawa Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.81 dated 14.06.2020 at Police Station Raman, District Bathinda, under Section 22 & 29 of the NDPS Act.
2. It is the case of the prosecution that on 14.06.2020, Satpal Singh @ Sony and Sukhpal were apprehended by the police and 1500 tablets of Clovidol 100-SR and 500 tablets of Tredol-100 (Tramadol Hydrochloride) were recovered from a bag kept in between them while both of them were travelling on a motor-cycle. It is further the case of the prosecution that during the course of interrogation, they disclosed that it is the petitioner, namely, Gurmail Singh, who had supplied the said contraband to them.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that he was never ever found near the place of occurrence and in these circumstances, the prosecution does not have any evidence to connect the petitioner with the alleged recovery other than the disclosure statements of the co-accused, which would hardly carry any evidentiary value.
4. Opposing the petition, learned State counsel has submitted that since the petitioner has been specifically named by the co-accused, who were caught red-handed, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year & 1 month. It has also been informed that the petitioner happens to be involved in 2 other cases under NDPS Act i.e. one pertains to recovery of 'commercial' quantity and the other case pertains to recovery of 'small' quantity of contraband. It has further been informed that although challan has been presented, but charges are yet to be framed and that as on date none out of the cited 21 PWs has been examined.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view of the fact that the petitioner has been nominated as an accused on the basis of disclosure statements, the admissibility and veracity of which would be debatable and while also noticing that the petitioner has been behind bars for a substantial period of 1 year & 1 month and conclusion of trial is likely to consume time, as the trial has not even commenced

inasmuch as charges have not been framed so far and 21 PWs have been cited, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

20.12.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

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

Whether reportable: **Yes/No**