

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

222

**CRM-M-34210 of 2021
Date of Decision:22.09.2021**

Gaurav Singh @ Sawan Golu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. A.P.S. Sandhu, Advocate, for
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

Vide this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 of the Cr.P.C., upon FIR no.238, dated 16.05.2021, having been registered at Police Station City Barnala, District Barnala, alleging therein the commission of offences punishable under Sections 21, 22, 25 of the NDPS Act, 1985.

Learned counsel for the petitioner submits that the allegation against the petitioner is that on a disclosure statement made in police custody by his co-accused, as the person from whom they had purchased the intoxicant powder as was recovered from them. However, from the petitioner, even thereafter admittedly no recovery was made.

He further submits that with the aforesaid circumstances he has been in custody for about 4 months, with the trial still to effectively commence.

As regards the factual position, learned State counsel could not deny the same and upon further query, he submits that as per his instructions, there is no other criminal case registered against the petitioner under the provisions of NDPS Act, though there are other cases registered against him.

Keeping in view the fact that there is no recovery is shown to be effected from the petitioner and he has been arraigned as an accused only on an alleged disclosure statement made in police custody, in my opinion, without making any comment on the actual merits of the case, the petitioner would be entitled to bail even by this court referring to Section 37 (1) (b) of the NDPS Act, 1985. The petition is therefore allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial court.

September 22, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No