

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-34967-2020 (O&M)
Date of Decision:-8.1.2021

Varinder Thakur @ Vicky

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Narinder Singh Dadwal, Advocate for the petitioner.

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

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.0366 dated 25.7.2018 at Police Station Focal Point, Ludhiana under Sections 22, 27-A, 29, 61 and 85 of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. As per the case of the prosecution, the police had laid barricading near Jeewan Nagar Chowk, Urban Estate, Phase-2, Focal Point, Ludhiana for the purpose of checking and during the course of which a car bearing registration No.PB-01A-3686 was signaled to stop, but the driver of the said vehicle after initially slowing down the vehicle tried to turn back, but was unsuccessful. Upon being apprehended by the police, the driver of the car disclosed his

name as Narinder Kumar @ Nindi and the other person accompanying him disclosed his named as Yogesh Kumar. It is alleged that search of Narinder Kumar @ Nindi led to recovery of 335 grams of '*heroin*' and the search of Yogesh Kumar led to recovery of 265 grams of '*heroin*'. It is further the case of the prosecution that during the course of interrogation, they disclosed that it is the petitioner, who had supplied the aforesaid contraband to them.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been nominated as an accused in the present case on the basis of alleged disclosure statement made by co-accused, which would hardly carry any evidentiary value and that in any case no recovery whatsoever was ever effected from the petitioner.
4. Opposing the petition, learned State counsel has submitted that the petitioner has remained involved in as many as 17 other cases including three cases registered under NDPS Act. It has further been informed that one of the case under NDPS Act was registered prior to arrest of the petitioner in the instant case while the other two cases have been registered after the petitioner came to be arrested in the present case. Learned State counsel has also informed that the petitioner as on date has been behind bars since the last about 1 year and 2 months.
5. I have considered the rival submissions addressed before this Court.
6. Keeping in view the fact that the petitioner was never arrested at the spot and nor any recovery was effected from him and that he has been nominated as an accused on the basis of disclosure statement, the admissibility and veracity of which would be debatable, 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.

8.1.2021

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No