

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

244

CRM-M-47632-2021

Date of Decision: 18.11.2021

Jarnail Singh @ Mithu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Paras Bahl, Advocate, for
Mr. Ferry Sofat, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Teja 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.32 dated 18.05.2021 at Police Station Sadar Budhlada, under Sections 22/29/61/85 of the NDPS Act and Sections 473/411 IPC.
2. As per the case of the prosecution, Manpreet Singh and Preet Singh were apprehended by the police from whose possession 5000 tablets of 'Tramadol' were recovered. It is further the case of the prosecution that during the course of interrogation, they disclosed that the contraband had been procured from Jarnail Singh @ Mithu (petitioner). Pursuant to the said disclosure statement, the petitioner was arrested by the police on 19.05.2021 and from his possession 20 tablets of 'Alprazolam' were recovered.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case on the basis of a disclosure statement, which would hardly carry any evidentiary value. It has further been submitted that even if the recovery allegedly effected from the petitioner is taken into account, still the same would fall into the category of 'small' quantity and as such, he deserves the concession of bail.
4. Opposing the petition, learned State counsel has submitted that although the petitioner was nominated on the basis of disclosure statement, but the same stands substantiated from the fact that some recovery of contraband was also effected when the petitioner was arrested. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1½ month and that he is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner was initially nominated on the basis of a disclosure statement, the admissibility and veracity of which would be debatable and while also noticing that the contraband alleged recovered from the petitioner falls within the category of 'small' quantity and the petitioner otherwise has a clean record, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. 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.

18.11.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No