

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-44058-2020 (O&M)****Date of Decision: 08.01.2021**

Gurpreet Singh @ Nikka

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sandeep Siwach, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Shamsheer 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.169 dated 05.10.2020 at Police Station City-2 Mansa, District Mansa, under Section 21, 25, 29 of the NDPS Act.
2. The case of the prosecution is that on 05.10.2020, 27 vials of WINCIREX (100 ml) [codeine phosphate] and 300 tablets of Carisoprodol were recovered from one Mukesh Kumar. It is alleged that during the course of interrogation, the aforesaid Mukesh Kumar disclosed that he had procured the aforesaid contraband from the petitioner.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that no recovery whatsoever was ever effected from the petitioner and that it is only on the basis of disclosure statement that he has been nominated

though such kind of disclosure statement would not carry any evidentiary value.

4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named by the person from whose possession contraband was recovered, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 3 months 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 facts and circumstances of the case and while bearing in mind that the petitioner was never arrested at the spot and has been nominated as an accused on the basis of disclosure statement, the admissibility and veracity of which would be debatable and the fact that the petitioner has been behind bars since the last about 3 months, 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.

08.01.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

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