

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

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CRM-M-50124-2021

Date of Decision: 07.12.2021

Kuldeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Neeraj Madaan, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Malkeet 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.87 dated 27.05.2021 at Police Station Vairo Ke, District Fazilka, under Sections 22 of the NDPS Act (Section 29 of the NDPS Act added later on).
2. The allegations, in nutshell, are that on 27.05.2021 when a police party was present in the area of Pacca Kale Wala near a seepage canal, a motor-cycle which was coming in a high speed was signaled to stop. The rider of the motor-cycle, upon noticing the police party, threw away a white polythene bag, which he was holding in his left hand and tried to turn back. Said motor-cyclist was apprehended on the basis of suspicion. Upon enquiry, he disclosed his name as Mangat Singh. Upon checking the

polythene bag thrown by him, 990 tablets of Tramadol Hydrochloride 100 mg Clovidol 100 SR were recovered. It is further the case of the prosecution that upon interrogation, he disclosed that it is the petitioner, who had supplied the said contraband to him.

3. Learned counsel for the petitioner has submitted that he was never found near the place of recovery from where the co-accused has been arrested and has been nominated on the basis of a disclosure statement, the authenticity of which would be debatable.
4. Opposing the petition, learned State counsel has submitted that since it is a case of recovery of 'commercial' quantity of contraband from the co-accused Mangat Singh, who has specifically named the petitioner as his supplier, 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 5 months & 7 days and that challan already stands presented. It has also been informed that the petitioner happens to be involved in 1 more case registered under NDPS Act, which is still pending
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner was never arrested at the spot nor was present at the spot. The petitioner has been nominated on the basis of a disclosure statement made by co-accused, the authenticity and veracity of which would be debatable. In any case, challan already stands presented and the petitioner has been behind bars since the last more than 5 months. In these

circumstances, further detention of the petitioner will not serve any useful purpose as 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.

07.12.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

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