

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

CRM-M-49851-2021 (O&M)

Date of Decision:- 02.12.2021

Uttam Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Karandeep S. Sidhu, Advocate, for the petitioner.

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

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in a case registered vide FIR No.92, dated 1.5.2021, Police Station City Kotkapura, District Faridkot, under Sections 22(c) and 29 of NDPS Act.
2. The case of the prosecution, in nutshell, is that on 1.5.2021 co-accused Fakirea was apprehended by the police while he was in possession of 1900 intoxicant tablets (Tramadol). It is the case of prosecution that during the course of interrogation he disclosed the name of the petitioner being the supplier.

3. Learned counsel for the petitioner has submitted that he was never arrested at the spot or was ever found near the place of occurrence and has been nominated on the basis of a disclosure statement which would not carry any evidentiary value.
4. On the other hand, learned State counsel has submitted that since the name of the petitioner has been specifically disclosed by co-accused Fakirea from whose possession 'commercial quantity' of contraband i.e. 1900 intoxicant tablets (Tramadol) were recovered, 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 two and a half months and that challan already stands presented. Learned State counsel has also informed that the petitioner happens to be involved in one more case registered under Section 376 IPC.
5. I have considered rival submissions addressed before this Court.
6. It is not disputed that the petitioner was never ever found near the place from where the co-accused was arrested and has been nominated on the basis of a disclosure statement, the veracity and admissibility of which would be debatable. In any case, the petitioner has been behind bars since the last about two and a half months and challan already stands presented. In these circumstances, 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.

02.12.2021
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No