

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(213)

CRM-M-3000-2022

Date of Decision : February 10, 2022

Chuni Lal

.. Petitioner

Versus

Union of India

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Akshay Rana, Advocate, for the petitioner.

Ms. Sharmila Sharma, Sr. Panel Counsel, for UOI.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI J. (ORAL)

Reply on behalf of the respondent has been filed in the Court today and the same is taken on record.

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.45 dated 29.06.2021 registered under Sections 8, 20, 25, 27-A, 29, 60 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station NCB, Chandigarh.

Learned counsel for the petitioner submits that in the present case, recovery of the contraband has been done from the co-accused Dalwinder Singh and the petitioner has been involved only on the basis of the disclosure statement of the said co-accused, hence, keeping in the view

the settled principle of law settled by the Hon'ble Supreme Court of India in Criminal Appeal No. 152 of 2013 titled as '*Tofan Singh Vs. State of Tamil Nadu*', as the disclosure statement without corroboration carries no weight, the petitioner may kindly be extended the benefit of regular bail as the trial is likely to take some time before it concludes.

Notice of motion.

Ms. Sharmila Sharma, Advocate, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-Union of India.

Learned counsel for the respondent-Union of India concedes the factum that no recovery of the contraband has been done from the petitioner and as the petitioner was involved in the present case only on the basis of the disclosure statement of the co-accused Dalwinder Singh, from whom 1.325 kg of charas was recovered. Learned counsel for the respondent submits that as per the said disclosure statement, the contraband was purchased by Dalwinder Singh from the petitioner and therefore, prayer of the petitioner may kindly be declined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, no recovery has been done from the petitioner of any material violating the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985 and the petitioner has been roped in the present case only on the basis of the disclosure statement of the co-accused and no material has been pointed out to this Court that even after submission of the challan, any corroborating evidence has come so as to co-relate the

petitioner with the recovery done from the co-accused, keeping in view the settled principle of law by the Hon'ble Supreme Court of India in Tofan Singh's case (supra), the petitioner has made out a case for the grant of regular bail especially in view of the fact that the trial is likely to take some time before it concludes keeping in view the restricted working of the Courts due to the pandemic of Covid-19 and the undertaking of the petitioner before this Court not to influence the trial or the witnesses in any manner.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything mentioned in this order be not treated as reflection on opinion on merits of the case in any manner.

February 10, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes