

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

**CRM-M-5525-2022 (O&M)
Date of decision: 12.05.2022**

Sukhwinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. L.S. Sekhon, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.25 dated 26.06.2021 under Sections 22 & 29 of NDPS Act, registered at Police Station GRP Bathinda, District Govt. Railway Police.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of ASI Jagwinder Singh, while on patrol duty, he noticed two persons with suspicious activities. One of them was holding a grey coloured bag. On seeing the police party, they tried to escape and the bag fell down and boxes of intoxicant vials and tablets had fallen on the ground. Thereafter, they were apprehended and disclosed their names as Harmandeep

Singh @ Harry and Parvinder Singh @ Sonu. After conducting the search, 90 strips of intoxicant vials of Biorex-New and 90 strips of intoxicant tablets were recovered. It is further submitted that the petitioner was later on nominated as additional accused on the disclosure statement of aforesaid co-accused; he is first offender and is not involved in any other case and after his arrest, nothing incriminating was recovered from him. Learned counsel has relied upon a judgment of the Hon'ble Supreme Court in ***Tofan Singh Vs. State of Tamil Nadu, 2013(4) RCR (Criminal) 631***, to submit that it will be a debatable issue whether the disclosure statement made by co-accused will be admissible against the petitioner or not.

Learned State counsel has filed the custody certificate in the Court today and has not disputed the factual position. It is submitted that out of total 21 prosecution witnesses, none has been examined.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

12.05.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No