

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

**CRM-M-6082-2022
Date of decision: 18.02.2022**

Pavitar Singh @ Makhan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. J. S. Sandhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 130 dated 11.12.2020, registered under Sections 22, 25 and 29 of the NDPS Act, 1985 at Police Station Badhaur Barnala, District Barnala.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of SI Amrit Singh, while on patrol duty, a secret information was received that Rachhpal Singh and Gurmail Singh are indulged in the sale of intoxicant tablets by bringing the same from outside and selling in the city and they are roaming on a scooty for the said purpose. Thereafter, by sending information to the police station, a DSP was called at the spot and in his presence, 2500 intoxicant tablets were recovered. It is further submitted that the petitioner was later on nominated on 14.12.2020 on the basis of the disclosure of co-accused Gurmail Singh that the petitioner has supplied the said contraband.

Learned State counsel has filed the custody certificate and as

per the same, the petitioner is in judicial custody for the last 01 year and 29 days and he is involved in one more case under the NDPS Act.

On a Court query that if any recovery was effected from the petitioner after his arrest in pursuance to disclosure of aforesaid co-accused, learned State counsel has submitted that nothing incriminating was recovered from the petitioner after his arrest. Learned State counsel further submitted that the charges were framed on 22.07.2021 and out of total 15 prosecution witnesses, none has been examined so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that no recovery was effected from the petitioner pursuant to his arrest and also in view of the fact that it will be a matter of trial whether the disclosure of a co-accused will be admissible against the petitioner or not in view of the judgments rendered by Hon'ble Supreme Court in ***Tofan Singh vs. State of Tamil Nadu, (2021) 4 SCC 1*** and ***State By (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr. 2022 Live Law (SC) 69***, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

18.02.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No