

In virtual Court

CRM-M-7051-2022

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7051-2022 (O&M)
Date of decision: 23.02.2022

Sukhchain Singh @ Sukha

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Yashpal Thakur, Advocate
for the petitioner.

Mr. H.S. Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.130 dated 04.12.2021 under Section 15-C/61/85 of NDPS Act (Section 29 of NDPS Act was added later on), registered at Police Station Mulepur, District Fatehgarh Sahib.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of SI Gurmeet Singh, a secret information was received that Mandeep Singh @ Mani and Ravneet Singh are indulged in the business of selling poppy husk and are coming in a car and if a barrier is

laid, they can be apprehended with heavy quantity of poppy straw. On receiving such information, a ruqa was sent to the police station for registration of FIR and thereafter, a barrier was laid and aforesaid two persons were apprehended and from them, recovery of 08 kg of poppy husk was effected. It is further submitted that the petitioner was nominated on next day on the basis of disclosure statement of aforesaid co-accused and after his arrest, nothing was recovered from him.

Learned counsel for the petitioner has further submitted that one co-accused Ravneet Singh, who was named in the secret information, has already been released on regular bail by the Coordinate Bench vide order dated 07.02.2022 passed in CRM-M-2923-2022. A perusal of this order would reveal that co-accused Ravneet Singh and Mandeep Singh @ Mani are real brothers and after their arrest, another recovery of 55 kg of poppy husk was effected from their house, however, from the petitioner, who was nominated in the FIR on the basis of disclosure statement of aforesaid co-accused, no recovery was effected. Learned counsel has relied upon a judgment of the Hon'ble Supreme Court **Tofan Singh vs State of Tamil Nadu, 2013(4) RCR (Criminal) 631**, to submit that it will be matter of trial whether nomination of the petitioner in the FIR, on the basis of the disclosure statement of the co-accused, is admissible or not. It is also submitted that the petitioner is in custody for the last 02 months and 15 days and is not involved in any other case.

Learned State counsel, on the basis of custody certificate dated 22.02.2022 filed in the Court today, has not disputed the factual position.

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After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the 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/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

**[ARVIND SINGH SANGWAN]
JUDGE**

23.02.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No