

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

CRM-M-8629-2021 (O&M)

Date of decision: 07.04.2022

Amandeep Singh @ Aman Singh @ Amna**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Kuldeep Singh Siwach, 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. 57 dated 09.03.2020, registered under Sections 22, 25 and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Sardulgarh, District Mansa.

Learned counsel for the petitioner submits that as per allegations in the FIR, a secret information was received by the police party that two persons are coming carrying some intoxicant substance and in this regard, a ruqa was sent to the police station. Thereafter, SI Kesar Singh along with other co-officials reached at the spot and a motorcycle was seen coming, on which two persons were riding. The said persons were apprehended by the police party and on inquiry, the first person disclosed his name as 'Sucha Singh' aged about 65 years and the second person disclosed his name as 'Baljeet Singh', aged about 32 years. After giving notice under Section 50 of the NDPS Act, the search of the accused persons

was conducted, in which 600 tablets of Tramadol were recovered from Sucha Singh and 40 tablets of Tramadol were recovered from Baljeet Singh.

Learned counsel for the petitioner further submits that later on, on the basis of the disclosure of co-accused Baljeet Singh, the petitioner was nominated in this case. It is further submitted that the petitioner is in judicial custody for the last more than 01 year and 02 month and conclusion of trial is likely to take a long time as out of total 30 prosecution witnesses, none has been examined so far.

Learned counsel for the petitioner has referred to an order dated 15.03.22021, vide which aforesaid co-accused Baljeet Singh, on whose disclosure the petitioner was nominated in this case, has already been granted the concession of regular bail by the trial Court itself.

Learned counsel for the petitioner further submits that 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*, it will be a matter of trial whether the disclosure of a co-accused is admissible against the petitioner or not.

Learned State counsel has filed the custody certificate and has not disputed the factual position. As per custody certificate, the petitioner is in judicial custody for the last 01 year, 02 month and 15 days.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner is in judicial custody for the last 01 year, 02 month and 15 days; co-accused Baljeet Singh, on whose disclosure the petitioner was nominated in this case, has already been granted the concession of

regular bail by the trial Court; conclusion of trial is likely to take some time as out of total 30 prosecution witnesses, none has been examined so far and also in view of the ratio of law laid down by Hon'ble Supreme Court in the aforesaid judgments relied upon by the petitioner, 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/Illaq Magistrate, concerned.

07.04.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No