

**In the High Court for the States of Punjab and Haryana  
At Chandigarh**

CRM-M-11194-2022 (O&M)  
Date of Decision:-29.10.2022

Amritpal Singh @ Bittu ... Petitioner

Versus

State of Punjab ... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Anureet S. Sidhu, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab.

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**GURVINDER SINGH GILL, J.** (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.40, dated 29.6.2021, Police Station Sehna, District Barnala, under Sections 22, 25 of NDPS Act, wherein offence under Section 29 of NDPS Act was added later.
2. The FIR was lodged on the basis of a secret information received to the effect that Amarjit Singh @ Simmi alongwith his brother Harjinder Singh were proceeding in a car bearing registration No.PB-02-T-2340 for the purpose of selling intoxicant tablets and were present on the road leading to town Sehna. It is further the case of the prosecution that pursuant to receipt of said information, barricading was held and the car bearing registration No. PB-02-T2340 was intercepted. The occupant of the car disclosed his name as

Amarjit Singh. The search of the car led to recovery of 50000 tablets of 'Calcidol-100 SR' (Tramadol) apart from an amount of Rs.43,000/- stated to be drug money. It is further the case of the prosecution that during the course of interrogation, Amarjit Singh disclosed about involvement of Harjinder Singh. Harjinder Singh came to be arrested on 01.07.2021 and disclosed that he (Harjinder Singh) alongwith his brother Amarjit Singh used to bring intoxicant tablets from Rimpay Kaur so as to further sell the same. Pursuant to the said disclosure statement made by Harjinder Singh, Rimpay Kaur, Amrit Pal Singh (petitioner) and Sita Kaur came to be nominated as an accused.

3. Learned counsel for the petitioner submits that the petitioner was never ever found or arrested at the spot and has been nominated subsequently on the basis of a disclosure statement made by one Harjinder Singh, who himself came to be nominated pursuant to a disclosure statement made by another co-accused.
4. Opposing the petition, the learned State counsel has submitted that the petitioner has a chequered record having been involved in as many as 8 other cases including cases registered for offence under NDPS Act and that, in these circumstances, his complicity is clearly evident. The learned State counsel has, however, informed that the petitioner, as on date, has been behind bars since the last about 1 year and 2 months and that 1 PW out of cited 20 PWs stands examined till date.
5. This Court has considered the rival submissions.
6. It is not disputed that the petitioner came to be nominated as an accused on the basis of a disclosure statement and that, no contraband whatsoever was

ever recovered from him. The admissibility of such like disclosure statement would be debatable. The petitioner, in any case, has been behind bars for a substantial period of about 1 year and 2 months. Conclusion of trial is likely to consume time as only 1 PW out of cited 20 PWs stands examined so far.

7. The petition, as such is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

**29.10.2022**

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**( Gurvinder Singh Gill )**  
**Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No