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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.16587 of 2021 (O&M)

Date of decision: 05.04.2022

Amarjeet Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Rana Ghuman, Advocate
and Mr. H.S. Dandiwal, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.203 dated 25.08.2020, registered under Sections 22-C/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') (Sections 27-A and 31/61/85 of the NDPS Act) registered at Police Station City Ratia, District Fatehabad.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of ASI Harpal Singh, while on petrol duty, a TATA Ace vehicle was seen coming towards the police party and the same was signalled to stop, however, the driver tried to turn back the vehicle and was apprehended. 02 boys were found sitting in the said vehicle. Thereafter, the driver disclosed his name as Bittu @ Baba and the co-passenger disclosed his name as Sandeep son

of Ajit Singh. On checking the vehicle, 02 polythene bags were found and on suspicion, a notice under Section 50 of the NDPS Act was given and 2500 intoxicant tablets of TRAMADOL were recovered. It is further submitted that later on, on the basis of the disclosure statement of co-accused Sandeep, the name of the petitioner surfaced and he was involved in the present case.

Counsel for the petitioner has further submitted that one of the co-accused of the petitioner namely Daljit @ Sonu, has been granted the concession of regular bail as he was also nominated on the basis of the disclosure statement of co-accused Amarjit Singh, vide order dated 09.02.2021 passed in CRM-M No.4601 of 2020 and Harnam @ Harbans Singh @ Harman Singh, who was also nominated on the basis of the disclosure statement of co-accused Amarjit Singh has also been granted the concession of regular bail vide order dated 18.11.2020 passed in CRM-M No.37177 of 2020.

Counsel for the petitioner has relied upon the judgment ***“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 the co-accused will be admissible against the petitioner or not.

Counsel for the State on the basis of the Custody Certificate has submitted that the petitioner is in custody for the last 01 year, 06 months and 17 days, though, he is involved in 02 other cases relating to the year 2015-16 but he is on bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 year,

06 months and 17 days; the co-accused of the petitioner are already released on bail; the custodial interrogation of the petitioner is not required; the conclusion of the trial will take some time; in view of the fact that the petitioner has been nominated in the case on the basis of the disclosure statement of the co-accused and in view of the judgment of the Hon'ble Supreme in *“Tofan Singh's case (supra)”*, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

05.04.2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No