

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

CRM-M-18476-2022 (O&M)
Date of Decision:-11.11.2022

Vishesh Kumar @ Vishesh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Preetwinder Singh Dhaliwal, Advocate for the petitioner.

Mr. Siddharth Atttri, AAG, Punjab,
assisted by ASI Gurmail Singh.

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.25, dated 10.6.2021, Police Station Mehal Kalan, District Barnala, under Sections 21, 22(c), 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The FIR was lodged on the basis of receipt of secret information received by the police to the effect that one Arshdeep Singh @ Arshi and Amritpal Singh indulged in sale of intoxicants. Pursuant to receipt of said information, barricading was held and 2 persons were seen coming on a motorcycle. While the police was able to apprehend one of them namely Amritpal Singh from whose possession 350 grams of 'heroin' was recovered, the other person managed to escape. It is the case of prosecution that the petitioner-

Vishesh Kumar @ Vishesh came to be nominated as an accused during the course of interrogation of Amritpal Singh on 14.6.2021 and came to be arrested on 12.10.2021. It is further the case of prosecution that when the petitioner was apprehended by the police, he was found in possession of 40 grams of '*heroin*' and an amount of Rs.55,000/-.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of a disclosure statement, which would hardly carry any evidentiary value in the absence of any other connecting evidence. It has further been submitted that even if the case of the prosecution as regards the alleged recovery of 40 grams of '*heroin*' is taken to be correct, the same would fall in the category of 'non-commercial' quantity.
4. Opposing the petition, learned State counsel has submitted that the petitioner is a habitual offender having been involved in 14 other cases out of which he stands acquitted in 5 cases. Learned State counsel has informed that the petitioner otherwise has been behind bars since the last more than 1 year and that none out of the cited 20 PWs has been examined till date.
5. This Court has considered the rival submissions.
6. It is not in dispute that it is a case based on disclosure statement, the evidentiary value of which is yet to be tested during the course of trial. The recovery allegedly effected from the petitioner would fall in the category of 'non-commercial' quantity. The petitioner has been behind bars for a substantial period of more than 1 year. Conclusion of trial is likely to consume time as not even a single PW out of the cited 20 PWs has been

examined so far. In these circumstances, further detention of the petitioner will not serve any useful purpose. 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.

11.11.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No