

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

**CRM-M-27802-2022
Date of Decision : 25.08.2022**

Sukhpal Singh @ Balli

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Jagjit Singh Gill, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J(ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.111 dated 23.05.2021, under Sections 21-B/21/61/85 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (in short 'the Act'), registered at Police Station Kalanwali, District Sirsa.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 07.04.2022 and the investigation of the case has already been completed and the challan under Section 173 Cr.P.C has been presented before the competent Court. He further submitted that it is a case where the petitioner's name has been nominated on the basis of a disclosure statement of co-accused namely Amarjit Singh who was allegedly caught with 07 grams of heroin only. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case because earlier he was involved in some cases under the

petition. He submitted that in two cases of the NDPS Act, the petitioner is on bail and in those cases, the name of the petitioner was nominated on the basis of disclosure statement of co-accused and the recovery is very small i.e. 06 grams and 20 grams. However, in one other case under the NDPS Act, he was convicted because there was recovery of 500 grams of opium and in that case the petitioner has already undergone the sentence awarded to him. Learned counsel for the petitioner has further submitted that so far as the remaining cases are concerned, the same have been tabulated in para No.11 of the petition and the petitioner has already been acquitted in these cases. He further submitted that be that as it may, the bar contained under Section 37 of the Act will not apply in the present case since the alleged recovery is only 07 grams of heroin and that too from the co-accused and not from the petitioner and he has been nominated on the basis of disclosure statement of co-accused.

Learned State counsel has submitted that it is correct that the petitioner is in custody from 07.04.2022 and the investigation of the case has already been completed. He further submitted that it is correct that the alleged recovery does not fall in the category of commercial quantity and the name of the petitioner has been nominated on the basis of disclosure statement of co-accused.

I have heard learned counsel for the parties.

In the present case, the petitioner is in custody from 07.04.2022 and the recovery does not fall in the category of commercial quantity and rather it is marginally higher than the small quantity and the name of the petitioner has been nominated on the basis of disclosure statement of a co-accused. It is to be seen at the time of trial as to whether there is any sufficient material available to connect the petitioner with the offence apart from the disclosure statement of co-accused. Be

involvement of the petitioner in other cases is of small quantity of heroin would not become a ground for denial of bail.

In view of the circumstances, this Court is of the view that the petitioner deserves the concession of regular bail.

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds/surety bonds to the satisfaction of the concerned Chief Judicial Magistrate/Trial Court/Duty Magistrate.

However, anything observed herein above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

25.08.2022
mamta

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No