

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

CRM-M-28428-2022 (O&M)
Date of Decision:-7.9.2022

Nasir ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Abhinav Gupta, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.
assisted by ASI Bhupinder 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.20, dated 28.1.2021, Police Station Anaj Mandi Patiala, District Patiala, under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, wherein offence under Section 29 of NDPS Act was added later on.
2. The case of the prosecution, in nutshell, is that on 28.1.2021, the police party headed by Sub Inspector Balwinder Singh, noticed an auto-rickshaw approaching. However, upon noticing the police party, a person sitting in the said auto-rickshaw, who was carrying a bag, tried to run away but in the said process his bag fell on the ground and several tablet packs were spilled on

the ground. The said person was apprehended by the police, who disclosed his name as Satnam Singh @ Satta. The driver of auto-rickshaw disclosed his name as Gulzar Singh @ Gaari. The bag, which was being carried by Satnam Singh @ Satta and which had fallen on the ground was found to contain 39000 tablets of 'Lomotil'. It is further the case of prosecution that during the course of interrogation, Satnam Singh @ Satta suffered a disclosure statement on 30.01.2021 to the effect that he used to purchase the intoxicant tablets from Saharanpur City (Uttar Pradesh) but he does not disclose the name of owner of the shop from where he used to purchase the same. Said Satnam Singh @ Satta suffered another disclosure statement on 01.02.2021, wherein he stated that he used to purchase the intoxicating tablets from the owner of 'M/s Rehmani Medical Store, Saharanpur (UP)', who was a clean shaven Hindu gentleman.

3. Learned counsel for the petitioner has submitted that apart from the aforesaid disclosure statement, there is no evidence with the police/prosecution so as to connect the petitioner with the alleged recovery from Satnam Singh @ Satta and that the disclosure statement by itself is not substantive evidence so as to be used against the petitioner. It has further been submitted that even the call details record does not connect him with the co-accused and as such, there is no evidence to establish his complicity.
4. Opposing the petition, learned State counsel has submitted that since Satnam Singh @ Satta has suffered disclosure statement and has specifically named the petitioner to be the supplier and during investigation, it has been found that the sister of the petitioner, did have a license to sell medicines and was running a medical store, it is apparent that the petitioner used to procure the

medicines from the medical store of his sister and used to supply the same to the co-accused. Learned State counsel has, however, not disputed the fact that there is no call-details record or any other evidence to connect the petitioner with the remaining co-accused. It has also been informed that the petitioner otherwise is not involved in any other case and has been behind bars in the present case since the last 3 months and 20 days and that challan stands presented.

5. This Court has considered the rival submissions addressed by learned counsel for the parties.
6. Having regard to the fact that the petitioner has been nominated on the basis of a disclosure statement of co-accused and apparently there is no other evidence to connect him with the co-accused and the petitioner otherwise having a clean record and is not stated to be involved in any other case, the petition merits acceptance and is hereby 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.

7.9.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No