

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

**CRM-M-42587-2021
Date of decision: 19.04.2022**

Bhupinder Singh**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Rahul Dev Singh, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 170 dated 28.05.2020, registered under Sections 22, 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station City/Kotwali, District Faridkot.

Learned counsel for the petitioner submits that the FIR was registered at the instance of ASI Charanjit Singh with the allegations that while on patrol duty, a secret information was received that Gurdeep Singh @ Deepa is coming on a motorcycle carrying some intoxicant tablets and if a raid is conducted, he can be apprehended. Thereafter, by following the procedure and sending the information to the police, said Gurdeep Singh @ Deepa was arrested and 1000 intoxicant tablets were recovered from him.

Learned counsel for the petitioner further submits that later on the petitioner was nominated on the disclosure of aforesaid Gurdeep Singh @ Deepa and the petitioner has no previous involvement in any other case.

It is further submitted that the petitioner is in judicial custody for the last more than 09 months and he is not involved in any other case.

Learned counsel further submits that in view of the judgments rendered by Hon'ble Supreme Court in *Tofan Singh vs. State of Tamil Nadu, (2021) 4 SCC 1* and *State By (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr. 2022 Live Law (SC) 69*, it will be a matter of trial whether the disclosure of a co-accused is admissible against the petitioner or not.

Learned State counsel filed custody certificate which is taken on record. He has not disputed the factual position as submitted by learned counsel for the petitioner.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last more than 09 months; he is not involved in any other case and also in view of the ratio of law laid down by Hon'ble Supreme Court in aforesaid judgments, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

19.04.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No