

In virtual Court

CRM-M-47598-2021

-1-

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

CRM-M-47598-2021 (O&M)

Date of decision: 21.02.2022

Pappa Singh @ Bhola Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vikas Bishnoi, Advocate for
Mr. Amandeep Chhabra, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.42
dated 27.05.2021 under Section 15 of NDPS Act, registered at Police Station

In virtual Court

CRM-M-47598-2021

-2-

Sadar Abohar, District Fazilka.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of ASI Jaswant Singh, he received a secret information that two persons are indulged in selling the poppy husk in Punjab and are bringing the same from Rajasthan. On receiving such information, a ruqa was sent to the police station and a barrier was laid. They were coming in a car and were arrested and disclosed their names as Gurjant Singh and Gurpal Singh and 100 kg of poppy husk was recovered from them. It is further submitted that two days thereafter, on 29.05.2021, the police recorded disclosure statements of aforesaid two persons and the petitioner was nominated in the FIR as the person, who has supplied the same.

Learned counsel has further submitted that in pursuance to the disclosure statements, the petitioner was arrested, however, upon arrest, no narcotic substance was recovered from him and he has no previous history of involvement in any other case and is in custody for the last 06 months and 09 days. Learned counsel has relied upon a judgment of the Hon'ble Supreme Court **Tofan Singh vs State of Tamil Nadu, 2013(4) RCR (Criminal) 631**, to submit that it will be matter of trial whether nomination of the petitioner, on the basis of the disclosure statement of the co-accused, is admissible in the case or not.

Learned State counsel has filed the custody certificate dated 18.02.2022 in the Court today and has not disputed the factual position.

In virtual Court

CRM-M-47598-2021

-3-

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

21.02.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No