

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

CRM-M-48169-2021 (O&M)

Date of Decision:- 15.2.2022

Avtar Singh @ Jot Singh

.... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Rajesh Bhatheja, Advocate, for the petitioner.

Mr. Anmol S. Sandhu, AAG, Punjab.

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**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No. 120, dated 10.9.2021, Police Station Sadar Moga, District Moga, under Sections 22 and 29 of NDPS Act.
2. As per the case of prosecution, on 10.9.2021, during the course of patrolling, the police received secret information to the effect that Harpreet Kaur indulges in sale of intoxicant tablets. Upon receipt of said information a raid was conducted at the residence of Harpreet

Kaur and 80 tablets of ETM with etizolam as ingredients, total weighing 10.24 grams were recovered from her.

3. It is further the case of prosecution that during the course of interrogation she suffered a disclosure statement on 13.9.2021 to the effect that the said intoxicant tablets were procured by her husband i.e. the petitioner-Avtar Singh.
4. Learned counsel for the petitioner submits that he has falsely been nominated as an accused in the instant case and that it is highly unlikely that a lady would disclose the name of her own husband so as to implicate him as a co-accused. It has further been submitted that in any case, a disclosure statement would hardly carry any evidentiary value and as such the petitioner who otherwise has a clean record deserves the concession of bail.
5. On the other hand, learned State counsel has submitted that since the petitioner has been specifically named by the co-accused from whom 'commercial quantity' of contraband was recovered, no case for grant of bail is made out. Learned State counsel has however, informed that the petitioner has been behind bars since the last more than 4 months and that he is not involved in any other case. It has also been informed that while challan has been presented, charges are yet to be framed.
6. I have considered rival submissions addressed before this Court.
7. Keeping in view the fact that the petitioner was never arrested at the spot and has been nominated as an accused on the basis of a disclosure statement, the veracity and admissibility of which would

be debatable and while also noticing that the petitioner has been behind bars for the last more than 4 months and trial has not even commenced till date, further detention of the petitioner is not justified. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

**15.2.2022**

Mohan

**(GURVINDER SINGH GILL)**  
**JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No