

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(213)

CRM No. M-797 of 2022

Date of Decision : 03.02.2022

Sunny @ Mahe

....Petitioner

Versus

State of Punjab

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ripudaman Singh Sidhu, Advocate for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.
(keeping in view advance copy given)

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 55 dated 19.05.2021, registered under Section 15, 61 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Act No. 61 of 1985) at Police Station Meharban, District Ludhiana.

Learned counsel for the petitioner argues that in the present case, petitioner was not arrested at the spot and no recovery has been done from him rather, petitioner has been implicated only on the basis of the disclosure statement of a co-accused, namely, Sandeep Kumar @ Sanju from whom the contraband was recovered. Learned counsel for the petitioner submits that keeping in view the settled principle of law as settled by Hon'ble Supreme of India in Criminal Appeal No. 152 of 2013 titled as

'Tofan Singh Vs. State of Tamil Nadu', the disclosure statement before the police alone cannot be treated as evidence to convict an accused. Learned counsel further submits that as the investigation is already over and the challan has also been submitted and the trial is likely to take some more time before it concludes, petitioner may kindly be extended the concession of regular bail as the petitioner undertakes not to influence the trial or the witnesses in any manner.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel concedes the fact that petitioner was not arrested at the spot but was named in the disclosure statement by co-accused as one of the person, who ran away from the spot. Learned State counsel submits that as of now a disclosure statement of the co-accused is the only material, which has come against the petitioner so as to rope in the present case.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that petitioner was not arrested at the spot and no recovery has been done from him and he has been roped in the present case on the basis of statement of a co-accused, which statement is yet to be proved during the trial and the trial is likely to take some time before the same concludes keeping in view the restricted working of the

Courts due to pandemic of Covid-19 coupled with the fact that petitioner has undertaken before this Court not to influence the trial or the witnesses in any manner, he has made out a case for the grant of regular bail.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

February 03, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? Yes