

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

CRM-M-53497-2021 (O&M)
Date of Decision:- 5.1.2022

Talwinder Singh @ Bhunda

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Yusuf Mohammed.

(Proceedings conducted through video conferencing)

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.171, dated 18.9.2021, Police Station Sangat, District Bathinda, under Section 22(c) of NDPS Act (Section 29 of NDPS Act added later on).
2. As per the case of prosecution, when the police party was patrolling in the area of village Pathrala and had crossed the barricades of Doomwali, then a lady was found sitting along with a plastic bag on the left side of the link road. Upon seeing the police, the said lady tried to run away from the spot but was apprehended by the police.

Upon inquiry she disclosed her name as Krishna. Upon checking of the white plastic bag which was in possession of the said lady, the same was found to contain 400 intoxicant tablets (containing Alprazolam).

3. It is further the case of prosecution that during the course of interrogation the co-accused nominated the present accused as the supplier of the said intoxicant tablets.
4. Learned counsel for the petitioner has submitted that he has falsely been nominated as an accused on the basis of alleged disclosure statement made by co-accused Krishna which would not carry any evidentiary value. It has been submitted that apart from the disclosure statement there is no evidence with the police to connect him with the alleged contraband in question.
5. Opposing the petition, learned State counsel has submitted that since co-accused Krishna from whom the recovery had been effected had specifically named the petitioner as the supplier, no case for grant of bail is made out. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 3 ½ months and that challan already stands presented. It has also been informed that apart from the present case the petitioner stands involved in one more case registered in respect of provisions of Indian Penal Code.
6. I have considered rival submissions addressed before this Court.
7. The petitioner admittedly was not arrested at the spot and has been nominated on the basis of a disclosure statement the admissibility and

veracity of which would be debatable. In any case, the petitioner has been behind bars for a substantial period of 3 ½ months and challan already stands presented. The petitioner is not stated to be involved in any other case under the NDPS Act. Conclusion of trial is likely to consume time inasmuch as the trial has not even commenced and charges are yet to be framed. In these circumstances further detention of the petitioner will not serve any useful purpose. 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.

05.1.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No