

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(106+210)

CRM No. M-53625 of 2021 (O&M)
Date of Decision : 10.02.2022

Inderjit Singh alias Inder

....Petitioner

Versus

State of Punjab

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Akur Jain, 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. 70 dated 05.08.2021, registered under Sections 21(c), 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Valtaha, District Taran Tarn.

Learned counsel for the petitioner argues that in the present case, the petitioner has been involved on the basis of the disclosure statement of the other co-accused, namely, Jagir Singh and Pargat Singh from whom the contraband was recovered. Learned counsel for the petitioner submits that even after the investigation, no corroborative material has come forward to connect the petitioner with the alleged recovery of the contraband from the co-accused and keeping in view the

judgment of Hon'ble Supreme of India in Criminal Appeal No. 152 of 2013

titled as '*Tofan Singh Vs. State of Tamil Nadu*', the disclosure statement of a co-accused without corroboration, carries no weight.

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 after placing reliance upon the short reply, which has been filed by the Deputy Superintendent of Police, Sub Division Valtaha, Camp at Bhikhiwind, District Tarn Taran submits that though, it is conceded that the petitioner was involved in the present case on the basis of the disclosure statement of the co-accused and as of now, apart from the said disclosure statement, no corroborating evidence has come on record to connect the petitioner with the alleged allegations but the petitioner is involved in other cases as well including FIR No. 30 dated 27.05.2014 registered in violation of the Narcotic Drugs and Psychotropic Substances Act, 1985 and, therefore, the prayer of the petitioner for the grant of regular bail may kindly be declined.

Learned counsel for the petitioner controverts the allegation that petitioner was involved in FIR No. 30 dated 27.05.2014, registered under Section 22, 61, 85 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Khalra and submits that the said FIR was not against the petitioner but against another person, namely, Inderjit and even the said Inderjit, has already been discharged from the said FIR and without taking into consideration the said fact, a wrong affidavit has been filed by the respondent to mislead this Court.

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

Keeping in view the fact that no recovery has been done from the petitioner and petitioner has been roped in the present case only on the basis of the disclosure statement of the co-accused coupled with the settled principle of law settled in *Tofan Singh's case (supra)*, the petitioner has made out a case for the grant of regular bail as, no justifiable purpose will be achieved in keeping the petitioner behind the bars during the entire period of trial as 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, especially, when the petitioner has undertaken before this Court not to influence the trial or the witnesses in any manne.

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.

CRM No. 2349 of 2022

Keeping in view the affidavit already filed by the State, learned counsel for the petitioner submits that he does not wish to press this application.

Application is disposed of having been not pressed.

February 10, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No