

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53697-2022
Date of decision : 02.12.2022

Lovepreet Singh @ Love Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Kanisth Ganeriwala, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

PANKAJ JAIN, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.181 dated 17.08.2022, registered for offence punishable under Section 21(c), 25 and 29 of NDPS Act, 1985 at Police Station Special Task Force, District Mohali.

2. Counsel for the petitioner submits that it is a case where no contraband has been recovered from the conscious possession of the petitioner and he has been nominated on the basis of disclosure made by co-accused Santokh Singh from whom 290 gms of heroin is alleged to have been recovered. He relies upon ratio of law laid down in *Tofan Singh vs. State of Tamil Nadu* reported as (2021) 4 SCC 1 to contend that such disclosure suffered by the co-accused cannot be read against the petitioner and once it is admitted case that no recovery has been made from the petitioner, he will be entitled for grant of regular bail.

3. Mr. Cheema does not dispute the fact that no recovery has been made from the conscious possession of the petitioner and that apart from the disclosure made by co-accused Santokh Singh, there is no other material on record against the petitioner.

4. Keeping in view the aforesaid fact that the ratio of law laid down in *Tofan Singh's case (supra)* and the fact that there is no other case pending against the petitioner, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

5. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

02.12.2022

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No