

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9015-2023

Date of Decision: 13.04.2023

Sandeep ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Joban Singh, Advocate, for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

FIR No.	Dated	Police Station	Section/s
297	25.11.2019	Patran, District Patiala	22 of the NDPS Act (Section 29 of the NDPS Act added later on)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of aforementioned FIR.
2. As per the case of the prosecution on 25.11.2019, one Mohammad Mukram @ Salim was apprehended by the police, who was found in possession of 3900 tablets of containing ‘Diphenoxylate Hydrochloride’. During the course of interrogation, he disclosed that he had purchased the said tablets from a person, who was maintaining mobile No.9896494845.

The police traced the said mobile number which is in the name of the petitioner and ultimately arrested him on 01.10.2022.

3. Learned counsel for the petitioner has submitted that he has falsely been nominated as an accused in the present case solely on the basis of a disclosure statement, which would not carry any evidentiary value particularly when no recovery whatsoever was ever effected from the petitioner.
4. Opposing the petition, learned State counsel has submitted that since a contraband falling in the category of 'commercial quantity' was recovered from co-accused, who has specifically named the petitioner to be the supplier, the complicity of the petitioner is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 6 months and that he is not involved in any other case. It has also been informed that while charges have been framed, but none out of the cited 9 PWs has been examined so far.
5. This Court has considered rival submissions.
6. Having regard to the fact that the petitioner has been nominated on the basis of a disclosure statement, the admissibility and veracity of which would be debatable and also that no recovery whatsoever was ever effected from the petitioner and that the petitioner otherwise has a clean record, further detention of the petitioner will not serve any useful purpose particularly when the trial has not commenced till date. The petition, as such, is accepted and the petitioner is ordered to be released

on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

13.04.2023

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No