

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

209

CRM-M 18872 of 2022

Date of Decision: 20.03.2023

Jagtar Singh @ Tari

.....*Petitioner*

Versus

State of Punjab

.....*Respondent*

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Mohit Kumar, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

GURBIR SINGH, J (ORAL)

The petitioner has filed the present petition praying for grant of regular bail in case FIR No.149 dated 04.09.2021, under Sections 22 and 29 of NDPS Act, registered at Police Station City-1 Sangrur, District Sangrur.

As per version of the prosecution, 2000 intoxicant tablets of Tramadol Prolonged Tramwel SR-100, 750 intoxicant Tramadol Hydrochloride 100 mg. SR tablets Radol 100, 1200 intoxicant Alprazolam Tablets IP 0.5 mg Alprasafe, total 3950 tablets were recovered from the conscious possession of co-accused Kaka Singh, who is father of the petitioner. As per disclosure statement of the Kaka Singh co-accused, the petitioner was nominated in this case and Section 29 of the NDPS Act was added. Challan has already been presented in this case. The petitioner is in custody since 08.11.2021. Learned counsel for the petitioner relies on case '*Tofan Singh Vs. State of Tamil Nadu (2021) 4 SCC 1* to contend that the petitioner is only nominated in this case on the basis of disclosure statement and therefore, the said statement is not admissible.

On the other hand, learned State counsel opposed the prayer. He submits that challan has already been presented in this case and does not dispute the custody period of the petitioner.

Heard.

In view of the above, without commenting anything on the merits of the case and taking into account the fact that the petitioner is implicated on the basis of disclosure statement and in the light of *Tofan Singh's case (supra)* besides bearing in mind that trial is not likely to be concluded in near future, in my opinion, no useful purpose would be served by keeping the petitioner behind bars any further. The petition, as such, is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Judge concerned.

If any attempt whatsoever is made by the petitioner to tamper the prosecution evidence, the complainant/State shall be at liberty to move an application for cancellation of bail granted vide this order.

20.03.2023

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**(GURBIR SINGH)
JUDGE**

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