

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-23384-2023 (O&M)
Date of Decision: 17.11.2023**

TEHAL SINGH @ TAHIL SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rajesh K. Dadwal, Advocate for
Mr. N.S.Sodhi, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

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VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 75 dated 08.04.2022 under Sections 21, 23, 29 of NDPS Act, registered at Police Station Sadar Ferozepur, District Ferozepur.

2. Learned counsel for the petitioner contends that 920 gms of heroin was recovered from the possession of the co-accused namely Parveen Kaur and Parkash Kaur. They had allegedly thrown the packets of heroin over the Indo-Pak border fence. Then they had gone beyond the fence for cultivating their land. It has been submitted that the petitioner has been nominated on the basis of the disclosure statement of the co-accused. No recovery has been effected from the petitioner. Though the petitioner is involved in another case under NDPS Act but is on bail in that case. The arrest of the petitioner was effected on 14.09.2022 and since then he is in custody. The investigation of the case is complete and the challan has been presented in the Court.

3. Learned State counsel has opposed the bail application on the score that as per the disclosure statement of the co-accused, the contraband was to be supplied to the petitioner. Moreover, out of 20, 2 witnesses have been examined.

4. It is significant to note that the petitioner has been nominated on the basis of the disclosure statement made by the co-accused. No recovery has been effected from the petitioner. The petitioner is stated to be on bail in the other case that has been registered against him. The arrest of the petitioner was effected on 14.09.2022 and he is in custody for a period of more than 1 year and 2 months. Only 2 out of 20 witnesses have been examined. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

5. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

6. The petition is allowed.

17.11.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No