

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

CRM-M-24996-2023
Date of Decision:18.07.2023

Baltej Singh

. . . . Petitioner

Vs.

State of Punjab

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Nirmaljeet Singh Sidhu, Advocate, for the petitioner.

Mr.M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J.

Mr. Nirmaljeet Singh Sidhu, Advocate has filed his vakalatnama today on behalf of the petitioner, bearing no objection from the earlier counsel Mr. Munish Garg, which is taken on record.

By way of this petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.47 dated 23.05.2022 registered under Sections 15/25/29, 61/85 of NDPS Act, 1985 at Police Station Tappa Mandi, District Barnala.

2. It is contended that as per the secret information received by the Police, Tarlok Singh, Harmeet Singh, Surjit Singh and Jagsir Singh alias Jaggi had taken the factory on rent for manufacturing interlock bricks and were doing illegal activities therein. Raid was conducted. Forty seven bags containing 20 kg each of poppy husk were recovered. Tarlok Singh and Harmeet Singh were found present at that time. On the disclosure statement of Tarlok Singh, six more plastic bags each containing 20 kg of poppy husk,

i.e. 120 kg were recovered from the room constructed in the fields of Jagsir Singh. Name of the petitioner Baltej Singh surfaced in the disclosure statement of Tarlok Singh, as per which petitioner and Hakam Singh used to purchase poppy husk from them. It is on this basis that petitioner was nominated and was arrested in the case.

3. It is submitted by learned counsel that petitioner has been falsely implicated; that no recovery has been effected from the petitioner; that co-accused Jagsir Singh alias Jaggi, Balwinder Singh (Ravi), Atul Kumar (Raju) and Paramjit Singh have already been allowed bail by way of different orders passed by this Court, copies of which have been placed on record.

4. Status report by way of affidavit of Ravinder Singh, PPS, Deputy Superintendent of Police, Tapa, District Barnala has been filed on behalf of the respondent/State.

5. It is conceded by the State counsel that petitioner is nominated on the basis of disclosure statement of co-accused and that no recovery has been effected from him. However bail petition is opposed on the ground that the petitioner and co-accused were found to be in touch with Tarlok Singh as per the call detail record.

6. Custody certificate placed on record reveals that petitioner is in custody for the last 5 month and 2 days, with no criminal antecedents.

7. Having regard to the fact that the petitioner is nominated only on the basis of disclosure statement; that no recovery has been effected from him and that co-accused Atul Kumar, Balwinder Singh, Paramjit Singh and Jagsir Singh have already been allowed bail, but without commenting anything further on the merits of the case, the petition is

allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

18.07.2023

Vivek

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |