

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

228

CRM-M-29432-2023

Date of Decision :-13.07.2023

**Gagandeep Singh @ Gaggi @ Kulwinder Singh****...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Laghuinder Singh Sekhon, Advocate for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

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**Harsimran Singh Sethi, J. (Oral)**

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.21 dated 28.02.2021 registered under Sections 15, 25 and 29 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 at Police Station Arniwala, District Fazilka.

Learned counsel for the petitioner submits that in the present case, no recovery of the contraband was effected from the petitioner and the recovery of the contraband has been effected from the co-accused Rajinder Singh @ Raju and the petitioner has only been roped in on the basis of the disclosure statement of the co-accused. Learned counsel for the petitioner further submits that the petitioner is behind the bars since the date of registration of the FIR and the allegations alleged against the petitioner are false and even otherwise the same are yet to be proved in the Court of law

hence, the petitioner may kindly be granted concession of regular bail.

Learned State counsel does not dispute the factum that the petitioner was not named in the FIR and he has only been roped in the present case on the basis of the disclosure statement of the co-accused Rajinder Singh @ Raju as well as the factum that no recovery of contraband has been effected from the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that no recovery of contraband has been effected from the petitioner and he has only been roped in on the basis of the disclosure statement of the other co-accused, which disclosure statement is yet to be proved in the Court of law coupled with the settled principle of law settled by the Hon'ble Supreme Court of India in **Criminal Appeal No.152-2013** titled as **Tofan Singh vs. State of Tamil Nadu** decided on 29.10.2020, the petitioner has made out a case for the grant of regular bail especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner. In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail in case he is not required to be kept behind the bars in any other case, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall

not be construed to be an expression of any opinion on the merits of the case.

July 13, 2023  
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(HARSIMRAN SINGH SETHI)  
JUDGE

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