

2023:PHHC:117434

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

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**CRM M-40846 of 2023
Date of Decision: 06.09.2023**

Gurmukh Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : None for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.101 dated 07.06.2023 registered under Sections 21, 22 and 29 of NDPS at Police Station City-2 Khanna District Ludhiana.

2. As per the case of the prosecution, a police team had set up a barricade at about 11.30 a.m. on 07th June, 2023 for patrolling and checking of suspected persons and in the meantime, one person carrying a bag of black colour and another person also having a bag of black colour on his right shoulder were seen by the police party, however, on seeing the police party, they became perplexed and tried to take a turn towards the left side. However, on suspicion, both were apprehended and they disclosed their names as Jatinder Singh son of Ajit Singh and Gurpreet Singh son of Mohinder Singh. As per the case of the prosecution, after following the due process of law, both

the accused persons were apprehended at the spot. 7000 Trakem-100 tablets were recovered from co-accused Jatinder Singh and 6900 Trakem-100 tablets were recovered from co-accused Gurpreet Singh.

3. During the course of investigation, the statements of co-accused Jatinder Singh and Gurpreet Singh were recorded and as per the said disclosure statements, petitioner had given a sum of Rs. 65,000/- to both the accused and the contraband was allegedly purchased at his instance.

4. As per the petition, the petitioner was not named in the present FIR and has been nominated as an accused on the basis of disclosure statements suffered by the co-accused in police custody and the admissibility of the said statements is yet to be adjudicated during the course of trial. The petitioner was arrested in the present case on 08.06.2023 and no recovery was effected from him.

5. Learned State counsel has vehemently opposed the bail application on the ground of seriousness of the offence.

6. I have heard learned State counsel and perused the file.

7. It is not in dispute that the petitioner is in custody since 08.06.2023 and no recovery was effected from him. He was not named in the FIR and has been nominated as an accused on the basis of the disclosure statements suffered by the co-accused.

8. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the

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