

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-57145 of 2022(O&M)
Date of Decision: 29.04.2023

Gurcharan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Arshdeep Singh Brar, Advocate
For the petitioner.

Mr. Hakam Singh, AAG Punjab.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 22 dated 19.03.2022, registered under Sections 22 and 29 of Narcotic Drugs and Psychotropic Substances Act (for brevity, the Act) at Police Station Smalsar, District Moga, to which offence under Sections 22-C and 25 of the Act were added lateron.

2. The brief facts of the case are that police apprehended Sohan Singh and Sukhwinder Singh and recovered 180 strips each containing 10 tablets of Caviyol from them on 19.03.2022 and both of them further made disclosure statement that the said contraband was supplied to them by the present petitioner. Accordingly, petitioner was nominated as accused and arrested by the police on 19.10.2022.

3. The counsel for the petitioner, *inter alia*, contends that the petitioner was not named in the FIR and he was nominated as accused on the basis of disclosure statement made by co-accused Sohan Singh and Sukhwinder Singh. The counsel for the petitioner further submits that the alleged disclosure statement is having no relevancy and even otherwise the veracity and admissibility of the same will be tested during trial. The counsel for the petitioner further submits that it will take considerable time for the trial to conclude. So, prayer is made that the petitioner who is having no criminal history be released on regular bail.

4. The present petition is resisted by the State counsel who on instructions from ASI Satnam Singh submits that in the instant case commercial quantity of contraband was recovered from the possession of co-accused Sohan Singh and Sukhwinder Singh and they made disclosure statement against the petitioner and thereafter petitioner was arrested on 19.10.2022. The State counsel has not disputed the fact that the petitioner is having no criminal antecedents and that during the investigation of this case no contraband was recovered from the possession of the petitioner and that the trial is at its initial stage.

5. I have considered the submissions made by counsel for the parties.

6. In the instant case, the petitioner was not named in the FIR and was lateron nominated as accused on the basis of disclosure statement made by co-accused Sohan Singh and Sukhwinder Singh from whom police is stated to have recovered commercial quantity of contraband. The relevance and admissibility of the said disclosure statement is subject matter of trial.

The petitioner was arrested on 19.10.2022 and during investigation no

contraband was recovered from his possession and it will take considerable long time for the trial to terminate. So, no useful purpose is served by prolonging the custody of the petitioner who is having no criminal history.

7. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.04.2023

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(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No