



223.

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

CRM-M-16371-2024**Date of decision: 22.07.2024**

Arvinder Singh @ Bhinda

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. B.S.Bhalla, Advocate for the petitioner.

Ms. Avneet AAG, Punjab.

GURBIR SINGH, J.

1. This petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.143, dated 27.11.2023, under Section 21(c) (later on added Section 29) NDPS Act registered at Police Station Bhogpur, District Jalandhar.

2. As per the case of the prosecution, Shamsher Singh alias Shera and Gurwinder Singh alias Chingiari on seeing the police team, threw polythene bags on the ground. During search of polythene bag thrown by Shamsher Singh, 200 grams of heroin was recovered whereas from the polythene bag thrown by Gurwinder Singh, 100 grams of heroin was recovered. During investigation, accused Shamsher Singh @ Shera suffered disclosure statement that his brother Arvinder Singh alias Ravinder Singh alias Bhinda- petitioner provided him the details of the person, from whom



they procure the heroin and as such, petitioner was nominated as an accused in the present case.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case and has not been named in the FIR. He was nominated on the disclosure statement of co-accused Shamsher Singh. He further submits that nothing has been recovered from the petitioner.

4. Custody certificate has been filed and the same is taken on record. Learned State counsel, while opposing the bail petition on the ground that the contraband recovered is of commercial quantity. She has fairly admitted that there is no other evidence against the petitioner except the disclosure statement of the co-accused Shamsher Singh @ Shera. The challan has been presented.

5. I have heard the submissions of learned counsel for the petitioner, learned State counsel and have gone through the paper book.

6. At this stage, it is debatable if statement of the co-accused made while in custody before the police can be used as evidence against the petitioner during the trial. Since there is no other evidence against the petitioner except the statement of co-accused made before the police while in custody and the petitioner is in custody since 07.12.2023, so no useful purpose would be served by keeping the petitioner behind the bars.

7. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on



regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of concerned learned trial Court/Duty Magistrate.

8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial court shall decide the case on the basis of material available before it.

(GURBIR SINGH)
JUDGE

July 22, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No