



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

212

CRM-M-23795-2024
Date of decision : 17.05.2024

Balwinder Singh @ Ballu

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Ms. Anupam Bhanot, Advocate
for the petitioner (through V.C.).

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.40 dated 01.05.2023, registered for the offences punishable under Sections 21(c), 25, 61 and 85 of NDPS Act at Police Station Sarai Amant Khan, Tehsil and District Tarn Taran.

2. As per the case of the prosecution, three persons riding a motorcycle were stopped. Two could be apprehended i.e. Malkeet Singh and Ajaypal Singh. However, the 3rd one i.e. Vishaldeep Singh @ Guwati succeeded in running away. From the persons apprehended on the spot, 750 gms of heroin was recovered. Vishaldeep Singh @ Guwati was later on apprehended in some other FIR and was produced in the present FIR by way of production warrant of 19.09.2023. On 20.09.2023, he suffered disclosure nominating the present petitioner.



Petitioner was arrested on 25.10.2023 and is since then behind bars.

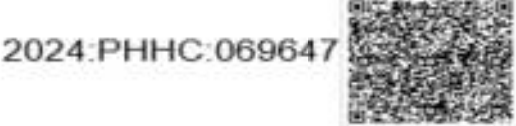
3. Counsel for the petitioner submits that it is a case wherein no recovery has been effected from the petitioner and has been nominated merely on the basis of disclosure made by accused Vishaldeep Singh @ Guwati. He was also not apprehended from the spot and suffered disclosure almost after 04 months of the occurrence. She relies upon *Tofan Singh vs. State of Tamil Nadu* reported as (2021) 4 SCC 1, to submit that mere disclosure made by the co-accused is the weak piece of evidence and alone cannot be considered sufficient to drive home guilt of the petitioner.

4. Mr. Kapoor does not dispute the aforesaid factual assertions.

5. As per the custody certificate, there is no other case and the petitioner has clean antecedents.

6. Without commenting on the merits of the case, keeping in view the incarceration suffered by the petitioner, the nature of allegations against him and the nature of evidence collected by the investigating agency, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any



- evidence oral or documentary during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
 - (iv) The petitioner shall not commit any offence while on bail.
 - (v) The petitioner shall deposit his passport, if any with the trial Court.
 - (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.
 - (vii) The petitioner shall not in any manner try to delay the trial.

7 In case of breach of any of the aforesaid conditions and those which may be imposed by the Trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.

8. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

17.05.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No