

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-25195-2024 (O&M)
Date of Decision: 29.7.2024

Gurmit Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Manpreet Ghuman, Advocate for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

FIR No.	Dated	Police Station	Section/s
12	23.3.2024	Thuliwal, District Barnala	22/29/61/85 of Narcotic Drugs and Psychotropic Substances Act

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. As per the case of prosecution, one Sandeep Singh was apprehended by the police on 23.3.2024, who was found in possession of 1120 tablets of ‘Clovidol-100 SR’ (containing ‘tramadol’). It is further the case of prosecution that upon interrogation, aforesaid Sandeep Singh suffered a disclosure statement to the effect that the aforesaid contraband/drugs had been supplied to him by Gurmit Singh (petitioner). Pursuant to the said



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disclosure statement, Gurmit Singh came to be arrested on 25.3.2024, but nothing was recovered from his possession, when he was arrested. However, the police claims that on 26.3.2024 the petitioner suffered a disclosure statement and got recovered 200 tablets of '*tramadol*', which were kept concealed under bushes/grass by the side of a canal.

3. Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and came to be nominated subsequently on the basis of a disclosure statement allegedly made by co-accused, which would hardly carry any evidentiary value. It has further been submitted that the recovery allegedly effected pursuant to a disclosure statement when the petitioner was already in custody and that too from a public place would be doubtful inasmuch as it is highly unlikely that the petitioner would have concealed the contraband in an open public place.
4. Opposing the petition, learned State counsel submitted that since recovery of 200 tablets of '*tramadol*' was made at the instance of the petitioner on the very next day of his arrest, his complicity is clearly evident. It has been informed that the petitioner has been behind bars since the last about 3 months and 28 days and that challan already stands presented. It has been informed that the petitioner otherwise is not involved in any other case.
5. Having regard to the facts and circumstances of the case particularly the fact that the petitioner was not apprehended at the spot when co-accused Sandeep Singh was apprehended by the police and also the fact that the petitioner has a clean record and has been nominated on the basis of a disclosure statement, his complicity would be debatable.



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6. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.7.2024

Pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No