



CRM-M-34494-2024 (O&M) 1

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

CRM-M-34494-2024 (O&M)
Date of Decision:- 05.11.2024

Vipin Kumar alias Bini ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vivek K. Thakur, Advocate for the petitioner.
Mr. Prabhdeep Singh Dhaliwal, AAG., Punjab.

GURVINDER SINGH GILL, J. (Oral)

FIR No.	Date	Police Station	Offences
80	08.05.2023	City Phagwara, District Kapurthala	Section 21 of NDPS Act, 1985 (Section 22,29,61,85 of NDPS Act were added later on)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. As per the case of prosecution one Binni Sharma @ Binni was arrested by the Police while he was carrying 12 grams of Heroin. It is the case of the prosecution that during the course of interrogation, he nominated one Shivam Kumar @ Shivi and when the Police arrested the said Shivam Kumar he was found in possession of 8 grams of Heroin and 1020 intoxicant tablets containing 132 grams of Alprazolam. It is further the case of the prosecution that said Shivam Kumar @ Shivi further nominated the petitioner while stating that he had procured the contraband from the petitioner.



3. Learned counsel for the petitioner submits that he has been falsely been implicated in the present case on the basis of disclosure statement which would hardly carry any evidential value and that no recovery whatsoever was ever made from him. It has further been submitted that as on date the petitioner has been behind bars for the last about 7 months 24 days and the trial has not been commenced till date, he deserves the concession of bail.

4. Opposing the petition, learned State counsel submitted that since name of the petitioner find firstly mentioned in the disclosure statement and the petitioner has been involved in four other cases, his complicity is clearly evident. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 7 months and 24 days and that charges are yet to be framed in the present case and 15 Pws have been cited.

5. This Court has considered rival submissions addressed before this Court.

6. Admittedly it is a case where the petitioner has been nominated on the basis of disclosure statement and he has been behind bars for the last about 7 months and 24 days. The trial has not even commenced till date. Under these circumstances further detention of the petitioner would not be justified. The 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.

05.11.2024
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(GURVINDER SINGH GILL)
JUDGE

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