

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

CRM-M-36200-2024 (O&M)
Date of Decision:-17.12.2024

Sushil Masih

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Harkanwar Veer Singh, Advocate and
Mr. Sanyam Jain, Advocate for the petitioner.

Mr. Prabhdeep Singh Dhaliwal, AAG, Punjab.

FIR No.	Dated	Police Station	Section/s
0026	2.5.2024	State Special Operations Cell District Intelligence Wing (CID), Amritsar	21, 29 of NDPS Act wherein offences under Sections 22 and 25 of NDPS Act and Sections 25, 54, 59 of Arms Act were added later on

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, upon receipt of secret information against co-accused Avtar Singh, said Avtar Singh was arrested by the police and from whose possession 1 kilogram of ‘heroin’ and 4 kilograms of ‘ice’ (Methamphetamine) was recovered on 2.5.2024. It is further the case of prosecution that upon interrogation, he disclosed that Sushil Masih (petitioner), Samsun Masih and Pritam Singh were also associated with him. The police consequently arrested the petitioner on 5.5.2024. It is further the case of prosecution that subsequently Avtar Singh suffered a disclosure statement on 6.5.2024 which led to recovery of 1 pistol, 1 magazine and 5



CRM-M-36200-2024 (O&M) (2)

live cartridges. He is alleged to have made another disclosure statement on 9.5.2024 leading to recovery of 1 pistol and 1 magazine.

- 3. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case on the basis of alleged disclosure statement of Avtar Singh, the admissibility and veracity of which would be debatable.
- 4. Opposing the petition learned State counsel submitted that since the name of the petitioner figures in the disclosure statement made by main accused Avtar Singh, from whom huge quantity of contraband was recovered, his complicity is clearly evident. Learned State counsel has informed that the petitioner as on date has been behind bars since the last about 6 months and 7 days and that the petitioner otherwise is not involved in any other cases.
- 5. This Court has considered rival submissions addressed before this Court.
- 6. Having regard to the fact that the petitioner came to be nominated on the basis of a disclosure statement made by co-accused, the admissibility and veracity of which would be debatable and is not alleged to have been found in possession of any contraband and otherwise enjoys a clean record, his further detention would not serve any useful purpose.
- 7. 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.

17.12.2024
Geeta/P

(Gurvinder Singh Gill)
Judge

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