

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

CRM-M-44115-2024 (O&M)
Date of Decision:-24.10.2024

Bhupinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashish Gupta, Advocate and
Mr. Varun Gupta, Advocate for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

FIR No.	Dated	Police Station	Section/s
09	8.1.2024	City Moga, District Moga	15 of NDPS Act, wherein offence under Section 29 of NDPS Act was added later.

GURVINDER SINGH GILL, J. (Oral)

- The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
- As per the case of prosecution, one Baljit Singh was apprehended by the police, who was found to be possessing 56 kilograms of ‘*poppy husk*’. It is further case of prosecution that during the course of his interrogation, he disclosed that he had procured the said contraband from Bhupinder Singh (petitioner).
- 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

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disclosure statement made by the main accused Baljit Singh, which would hardly carry any evidentiary value. It has been submitted that, in any case, since no recovery whatsoever was ever effected from the petitioner, he cannot be said to have committed any offence.

4. Opposing the petition, learned State counsel submitted that since the petitioner came to be nominated on the basis of a disclosure statement made by main accused Baljit Singh, his complicity is clearly evident. Learned State counsel has informed that the petitioner as on date has been behind bars since the last about 3 months and is involved in two other cases registered for offence under NDPS Act i.e. FIR No.12, dated 15.1.2019 registered at Police Station Sidhwan, Bet, under Sections 15, 25 of NDPS Act and FIR No.118, dated 15.7.2024 registered at Police Station Canal Colony, under Sections 15C, 29, 61 and 85 of NDPS Act. It has also been informed that charges are yet to be framed in the present case.
5. At this stage, learned counsel for the petitioner clarified that the petitioner was involved in the aforesaid two other cases on the basis of disclosure statements and are not the cases that any recovery was effected from the petitioner in the said cases.
6. This Court has considered rival submissions addressed before this Court.
7. The complicity of the petitioner, given the fact that no recovery was effected and the petitioner has been nominated on the basis of a disclosure statement only, would be debatable. The petitioner as on date has been behind bars for a substantial period of about 3 months. Under these circumstances, further detention of the petitioner would not be justified.



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8. 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.

24.10.2024
Geeta

(Gurvinder Singh Gill)
Judge

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