

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

CRM-M-54152-2024 (O&M)
Date of Decision:-13.12.2024

Bachitar Singh ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Malkiat S. Hundal, Advocate,
for the petitioner.

Mr. Prabhdeep Singh Dhaliwal, AAG, Punjab.

FIR No.	Dated	Police Station	Under Section/s
63	30.6.2024	Sadar Patti, Tarn Taran, District Tarn Taran	21(c), 27(a), 29, 61, 85 Narcotic Drugs and Psychotropic Substances Act, 1985

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 Mahabir Singh @ Mangoo was found in possessio of 1 kilogram of ‘heroin’ along with drug money amounting to Rs.35,000/-. It is further the case of prosecution that during the course of interrogation, aforesaid Mahabir Singh @ Mangoo disclosed that the aforesaid contraband was to be delivered to the petitioner.
- Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case on the basis of alleged disclosure statement made by co-accused, the evidentiary value of which would be debatable. It has further been submitted that in any case even the alleged

disclosure statement is not to the effect that the petitioner had supplied the contraband but is that the contraband was to be delivered to the petitioner. It has been submitted that the petitioner otherwise has a clean record and is not involved in any other case.

4. Opposing the petition, learned State counsel submitted that having regard to the fact that the co-accused from whom commercial quantity of contraband was recovered has specifically nominated the petitioner, his complicity is clearly evident. Learned State counsel has not disputed the fact that the petitioner as on date has been behind bars since the last about 4 months and 10 days and that he otherwise has a clean record. It has also been informed that as on date none out of cited 10 PWs has been examined.
5. This Court has considered the rival submissions addressed before this Court.
6. It is not disputed that the petitioner was not found or arrested at the spot and has been nominated on the basis of disclosure statement of co-accused, as per which the contraband was to be delivered to the petitioner. The admissibility and veracity of such disclosure statement will certainly be debatable. The petitioner as on date has been behind bars since the last about 4 months and 10 days and is not involved in any other case. Under these circumstances, further detention of the petitioner will not serve any useful purpose.
7. The instant petition, as such, is allowed 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.

13.12.2024

Geeta

Whether speaking /reasoned
Whether Reportable

(Gurvinder Singh Gill)
Judge

Yes / No
Yes / No