

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

CRM-M-64423-2023 (O&M)
Date of Decision:-5.1.2024

Arun Kumar ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Tarunveer Vashist, Advocate for the petitioner.
Mr. Adhiraj Singh, AAG, Punjab.

FIR No.	Dated	Police Station	Section/s
207	25.10.2023	City Rampura, District Bathinda, Punjab	22(c), 61, 85 of Narcotic Drugs and Psychotropic Substances Act, 1985 (offence under Section 29 of NDPS Act was added later on)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the abovementioned FIR.
2. The allegations, in nutshell, are that on 25.10.2023 during the course of patrolling, the police came across one Kuldeep Singh @ Keepa, who was found in possession of 3000 intoxicant tablets. It is further the case of prosecution that during the course of interrogation, the aforesaid Kuldeep Singh @ Keepa disclosed that he had purchased the aforesaid tablets from the petitioner.

3. Learned counsel representing the petitioner submitted that the petitioner is nowhere named in the FIR and came to be nominated as an accused on the basis of a disclosure statement made by co-accused, which would hardly carry any evidentiary value. It has further been submitted that the petitioner is not involved in any other case and has a clean record and, as such, in the absence of any recovery from the petitioner, the allegation against the petitioner cannot be said to be substantiated in any any manner.
4. Opposing the petition, learned State counsel has submitted that since it is a case of recovery of 'commercial' quantity of contraband and the co-accused, from whom the recovery was effected, specifically named the petitioner as his supplier, the complicity of the petitioner is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 2 months and 9 days and otherwise is not involved in any other case and that challan is yet to be presented.
5. This Court has considered the rival submissions addressed before this Court.
6. It is not in dispute that the petitioner was never ever apprehended at the spot and he was nominated as an accused on the basis of disclosure statement made by co-accused. Even when the petitioner was arrested, no recovery of any contraband whatsoever was ever effected from him. The petitioner otherwise enjoys a clean record and is not involved in any other case. Under these circumstances, the petitioner, who has been behind bars since the last about 2 months and 9 months deserves the concession of regular bail. 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.

5.1.2024
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No