

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

CRM-M-63199-2024 (O&M)
Date of Decision:-20.12.2024

Lovepreet Singh @ Lavi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Munish Garg, Advocate for the petitioner.
Mr. Prabhdeep Singh Dhaliwal, AAG, Punjab.

FIR No.	Dated	Police Station	Section/s
401	29.8.2024	City Barnala, District Barnala	22, 25 of Narcotic Drugs and Psychotropic Substances Act, 1985, wherein 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 aforementioned FIR.
2. The FIR was lodged pursuant to receipt of secret information by the police to the effect that Sanjeev Kumar @ Bittu, Ahmad Khan and Sahil Kumar indulged in sale of contraband. Pursuant to receipt of said information, the police was able to apprehend Ahmad Khan and Sahil Kumar and from whose possession 2700 strips of ‘*tramadol hydrochloride*’ tablets with each strip containing 10 tablets (total 27000 tablets) were recovered. It is further the case of prosecution that during the course of interrogation they disclosed that

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(2)

they had procured the said contraband from Lovepreet Singh @ Lavi (petitioner), Kulwinder Singh and Harpreet Singh.

3. Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and came to be nominated on the basis of a disclosure statement made by co-accused Sahil Kumar. It has further been submitted that in any case as on date when recovery was effect in the present case on 29.8.2024, the petitioner was already in custody in connection with another case.
4. Opposing the petition, learned State counsel submitted that since the petitioner has been specifically named by the co-accused, who was caught red handed at the spot while in possession of huge quantity of contraband, his complicity is clearly evident particularly in view of the fact that he stands involved in another case under NDPS Act. Learned State counsel informed that the petitioner as on date has been behind bars since the last about 2 months and that trial is yet to commence.
5. This Court has considered the rival submissions addressed before this Court.
6. It is not in dispute that the petitioner was not arrested at the spot nor any recovery has been effected from him and he came to be nominated on the basis of disclosure statement of co-accused, the evidentiary value of such like disclosure statement would be debatable. The petitioner, in any case, has been behind bars since the last about 2 months. The trial is yet to commence.
7. Having regard to the totality of facts and circumstances of the case, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to consume time.



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8. The instant petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

20.12.2024
Pankaj

(Gurvinder Singh Gill)
Judge

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