

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

Crl.Misc. No.M-24434 of 2015
Date of Decision : 4.8.2015

Sandeep Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

Present : Mr. J.S. Dadwal, Advocate for the petitioner.
Mr. K.D. Sachdeva, Addl. A.G., Punjab.

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1. To be referred to the Reporter or not ?
2. Whether the judgement should be reported in Digest ?

RAMESHWAR SINGH MALIK, J

Petitioner seeks bail pending trial in FIR No.263 dated 11.9.2014 under Sections 22, 27-A, 61 and 85 of the N.D.P.S. Act, registered at Police Station Focal Point, Distt. Ludhiana.

Learned counsel for the petitioner submits that inspite of the fact that the petitioner was not the main accused, because no recovery was effected from him, both of his co-accused from whom the recovery was effected have already been granted the concession of bail pending trial in this very FIR. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from HC Ram Krishan, Police Station Focal Point, Ludhiana, submits that although it is a matter of record that both the co-accused of the petitioner have

been granted the concession of bail pending trial, yet the petitioner is not entitled for similar concession, because he facilitated both of his co-accused in the commission of crime. The motor cycle, on which all the three accused were travelling, was owned by the petitioner. He prays for dismissal of the present petition.

Having heard learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this court is of the considered opinion that in the given fact situation of the case, noticed herein above, petitioner has been found entitled for bail pending trial. It is so said because nothing was recovered from the petitioner. Further, both of his co-accused, from whom the recoveries of contraband in question were effected, are already on bail pending trial. In such a situation, petitioner has also been found entitled for similar treatment. Since the report from Forensic Science Laboratory has not been received so far and in the absence of that charge has not been framed, conclusion of trial will also take some time.

In view of the above and without commenting anything further on the merits of the case, lest it should prejudice the rights of either of the parties, present petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial court.

Disposed of, accordingly.

4.8.2015
GS

(RAMESHWAR SINGH MALIK)
JUDGE