

CRM no.M-27959 of 2014 (O&M) 1

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM no.M-27959 of 2014 (O&M)
Decided on : 10-03-2015**

Amarjeet Singh

....Petitioner(s)

VERSUS

Narcotic Control Bureau, Chandigarh

....Respondent

CORAM:- HON'BLE MR. JUSTICE MAHESH GROVER

Present:- Mr. J.S.Bedi, Sr. Advocate with
Ms. Diya Sodhi and
Mr. T.T.P.Singh, Advocates for the petitioner

Mr. D.D.Sharma, Advocate for UT, Chandigarh

MAHESH GROVER, J

This is a petition under Section 439 Cr.P.C praying for release of the petitioner on bail in terms thereof in case NCB Crime No.44/2013 dated 12.12.2013 registered under Sections 8, 20, 60 and 62 of the NDPS Act at Police Station, NCB, Chandigarh.

The case of the prosecution rests on a secret information on the basis of which co-accused of the petitioner namely Ram Niwas Meena and Dinesh Suman were arrested with 13 kg opium in their possession. The consignment allegedly was to be delivered to the petitioner – Amarjeet Singh.

It is contended by the learned counsel for the petitioner that the petitioner is in custody for last 11 months and that no recovery was effected from him. Besides this the contraband was recovered from two persons who are his co-accused which would have no relevance as far as the cause of the petitioner is concerned.

Learned counsel for the respondents on the other hand contends

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that the petitioner has got recorded a statement under Section 67 of the NDPS Act where he concedes to be in touch with the co-accused in order to settle the price for the transaction. He further contends that it is imperative to get the voice sample of the petitioner for comparison.

On due consideration of the matter, I am of the view that the petitioner being in custody for last 11 months and the fact of no recovery having been effected from him would entitle him to the concession of bail. Whether his voice sample is required or not, his incarceration for the said purpose would be inconsequential as the petitioner in any case would be required to associate himself with the trial.

For the aforesaid reasons, instant petition is allowed. It is directed that the petitioner be released on bail in terms of Section 439 Cr.P.C subject to his furnishing bail bonds to the satisfaction of learned Trial Court which shall ensure heavy surety considering the nature of allegations against the petitioner and to obviate the chances of his absconding. Trial Court shall also be free to impose any other condition that it may deem fit in the given circumstances.

Nothing said herein shall not be construed to be an expression on the merits of the case.

March 10, 2015
rekha

(Mahesh Grover)
Judge