

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

CRM No.M-40293 of 2014

Date of decision : 7.1.2015

Harpreet Singh

...Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

Present: Mr.Ashok Giri, Advocate for the petitioner.

Mr.J.S.Sekhon, AAG Punjab for the State.

Mehinder Singh Sullar, J. (Oral)

The petitioner has preferred the instant petition, for the grant of concession of regular bail, in a case registered against him along with his main co-accused Shamsher Singh, vide FIR No.127 dated 23.8.2013, on accusation of having committed the offences punishable under sections 21, 22 & 29 of The Narcotic Drugs & Psychotropic Substances Act, 1985 (hereinafter to be referred as “the NDPS Act”) by the police of Police Station Bhogpur, District Jalandhar.

2. Notice of the petition was issued to the State.
3. After hearing the learned counsel for the parties, going through the record with their valuable help and after deep consideration over the entire matter, to my mind, the present petition for regular bail deserves to be accepted in this respect.
4. Precisely, the prosecution, inter-alia, claimed that on 23.8.2013, 210 grams of Heroin was recovered from the possession of main co-accused

Shamsher Singh. Neither the name of petitioner is mentioned in the FIR nor

anything was recovered from him. He was subsequently involved in this case in the wake of disclosure statement of main accused Shamsher Singh. What is the evidentiary value and admissibility of such disclosure statement of a co-accused, inter-alia, would be a moot point to be decided during the course of trial after receipt of evidence of the parties by the trial Court.

5. Be that as it may, the petitioner was arrested on 22.7.2014. Since then, he is in judicial custody and no useful purpose would be served to further detain him in jail. There is no history of his previous involvement in any other criminal case. Even since the prosecution has not yet examined a single witness, so, the final conclusion of trial will naturally take a long time.

6. Not only that, it is not a matter of dispute that main accused Shamsher Singh has already been granted the benefit of regular bail by a Coordinate Bench (Naresh Kumar Sanghi, J.) of this Court, by means of order dated 16.12.2013 (Annexure P1), rendered in CRM No. M-41883 of 2013. Therefore, I see no reason not to extend the same concession of regular bail to the present petitioner, whose case is on better footing than that of main accused Shamsher Singh.

7. In the light of aforesaid reasons, taking into consideration the totality of facts & circumstances, emanating from the record, as indicated here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side, during the course of trial of main case, the instant petition for regular bail is accepted. The petitioner is ordered to be released on bail on his filing a specific affidavit that he will not indulge in any such illegal activities in future and on his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

8. Needless to mention that nothing observed, here-in-above, would reflect, on merits of the main case, in any manner, as the same has been so recorded for the limited purpose of deciding the present petition for regular bail only.

7.1.2015
AS

(Mehinder Singh Sullar)
Judge