

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

CRM-M-15486-2016

Date of decision: 11.05.2016

Sukhwinder Singh @ Kindu

.... Petitioner

V/S

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S.BEDI

Present: Mr. Vivek Goel, Advocate
for the petitioner.

Mr. K.S.Pannu, DAG, Punjab.

M.M.S.Bedi, J.(Oral)

The petitioner was allegedly present in the same house from where recovery of 200 gms of intoxicating powder was effected. Intoxicating powder on having been tested by Forensic Science Laboratory has been found to contain Alprazolam. The recovery was effected from the house of Satnam Singh, co-accused of the petitioner. Satnam Singh was granted concession of regular bail and has absconded thereafter.

The bail application has been opposed by the State counsel on the ground that the petitioner after having been granted bail would abscond as his co-accused has done. The petitioner was granted interim bail on 04.02.2015.

The petitioner cannot be penalized for the conduct of his co-accused. The petitioner has already been charged under Section 29 of the NDPS Act whereas his co-accused has absconded before framing of charges.

In view of the above, the present petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

**(M.M.S. BEDI)
JUDGE**

11.05.2016*sonia*