

CRM-M-26470-2016

Date of Decision : 27.09.2016

Resham Singh

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Vijay K. Jindal, Advocate
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

M.M.S. BEDI, JUDGE (ORAL)

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of ASI Prabhjit Singh on the basis of secret information alleging that the petitioner had constituted a gang along with four other co-accused and indulged in smuggling of heroin. A *naka* was held when three persons in a tractor were arrested with total 5 kg of heroin recovered from these three accused.

So far as the petitioner is concerned, the allegation against him is that he was following in a Swift car along with his co-accused Satnam Singh and both were able to escape from the spot. The petitioner was involved in the case on the basis of the statement made by Stanam Singh, co-accused of the petitioner, who had been arrested at a subsequent point of time.

The petitioner, having not been arrested from the spot at the time of the recovery from the other accused, can be granted the concession of pre-arrest bail, as no recovery was effected from the petitioner or his co-accused Satnam Singh. Mere inclusion of name in

the secret information is not sufficient enough to determine the culpability of an accused.

Taking into consideration the circumstances i.e. no recovery having been effected from the petitioner; he having been arrested from the spot; he having joined investigation pursuant to the interim orders, it does not appear to be a case warranting refusal of relief under Section 438 Cr.P.C.

The petition is allowed. It is ordered that in case of arrest of petitioner, he shall be released on bail to the satisfaction of the arresting officer subject to the conditions that he will join investigation as and when required and will not tamper with the evidence or hamper the investigation in any manner. He will not commit the similar offence during the pendency of the trial.

(M.M.S. BEDI)
JUDGE

27.09.2016

Neha

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No