

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

CRM-M-27906-2016

Date of Decision : 10.11.2016

Sunny Loomba @ Kainchi

.....Petitioner

versus

State of Punjab

.....Respondent

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

Present: Mr. Prateek Pandit, Advocate,
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

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

The petitioner seeks the concession of regular bail in case FIR No. 2, dated 01.01.2015, registered under Section 20 and 21 of the NDPS Act at Police Station Sadar, Kapurthala, in which the co-accused of the petitioner, namely Sarabjit Singh, was arrested along with 50 gms. of intoxicating substance. The petitioner was involved in the case on the allegations of supplying the said contraband to his co-accused.

As a matter of fact, no recovery was effected from the petitioner. The petitioner was involved in another case on the basis of his disclosure statement recorded while in custody, in which he is facing trial separately.

In the present case, the petitioner has been in custody

w.e.f. 06.01.2015. No recovery has been effected from him in this FIR No. 2.

Taking into consideration the fact of he being in custody w.e.f. 06.01.2015, and no recovery having been effected from him in this case, he can be granted the concession of bail as it will be a debatable issue whether the recovery made from Sarabjit Singh could be deemed to be the recovery from him in the purpose of Section 20 and 21 of the NDPS Act.

The petition is allowed. The petitioner is ordered to be released on bail in FIR No. 2 (the abovementioned FIR) on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

(M.M.S. BEDI)
JUDGE

November 10, 2016
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No