

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

(214)

CRM-M-36526-2016

Decided on: December 02, 2016.

Gurdev Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

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

Present: Mr. Ashish Aggarwal, Advocate, for the petitioner.

Mr. Jashan Preet Singh, AAG, Punjab.

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

Petitioner, charged with offence under Section 29 of the NDPS Act, is facing trial on the allegations that Sohan Lal, Kiran Kumar and Jaswinder Kaur who were found in possession of heroin, had made disclosure statement to the effect that they had bought the recovered contraband from the petitioner.

The petitioner has been in custody w.e.f. 19.03.2015. Petitioner is accused of having abetted the offence committed by his co-accused Sohan Lal and others.

For the purpose of applicability of Section 37 of the NDPS Act, the case of the petitioner cannot be treated as par with the persons from whom the recovery of commercial quantity of heroin was effected. The disclosure statement of co-accused of the petitioner would be debatable for determining the culpability of the petitioner.

The 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**

December 02, 2016

harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No