

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 37199 of 2016
Date of decision: 11.11.2016

Buta Singh

Petitioner

vs.

State of Punjab

Respondent

Present: Mr.Vaneet Sharma, Advocate.
Mr. Jashanpreet Singh, AAG, Punjab

M.M.S.BEDI,J.

The petitioner has been in custody since 4.1.2015 in a case registered on the basis of a secret information, pursuant to the recovery of 13 kgs of heroin along with cash and arms from Gurjit Singh. The petitioner was involved in the case on the basis of statement of co-accused Amandeep Singh. The name of said Amandeep Singh was disclosed by Gurjit Singh. Another 500 grams of heroin was allegedly recovered from Gurjit Singh.

After hearing counsel for the parties and going through the police file, it transpires that no recovery was made from the petitioner. Taking into consideration the fact that the petitioner has been in custody since 4.1.2015 and challan stands already presented, he can be granted the concession of bail.

Learned State counsel has opposed the petition on the ground that the petitioner is involved in five other cases of NDPS Act. Be that as it may, the petitioner can be granted the concession of bail in the present case as it is a case of no recovery from the petitioner. It will certainly be a debatable issue whether on the basis of the recoveries made from the co-

accused, the petitioner can be said to have committed an offence under the NDPS Act.

Without expression of any opinion on merits of the case, the petition is allowed. The petitioner is ordered to be released on bail in the present case, on his furnishing bail bonds/ surety bonds to the satisfaction of the trial court

November 11 ,2016
TSM

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether Reportable

Yes/ No