

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

(213)

CRM-M-39809-2015

Decided on: February 04, 2016.

Ajay Kumar @ Dheru

.... 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, J (ORAL)

Petitioner along with four other co-accused was apprehended while traveling in an Indigo car on the basis of the secret information. 140 grams of intoxicant powder containing alprazolam was recovered from the petitioner along with sum of Rs. 1 lac.

Learned counsel for the petitioner submits that the FIR in the present case was registered on the basis of secret information on 06.01.2015 whereas one Sarabjit Singh was arrested along with heroin in FIR No.2 of 2015 by the same team of investigating officer. Said Sarabjit Singh allegedly made a disclosure statement before the police on 05.01.2015 naming all the accused persons of the present FIR. The very next day on the basis of alleged secret information, the present FIR was registered and recoveries have been shown from the petitioner and other accused.

The petitioner has been in custody for the last more than one year. No witness stands examined. The quantity of alprazolam recovered

from the petitioner is marginally higher than the commercial quantity. No evidence having been produced till date, the petitioner can be granted concession of bail on account of the period of detention suffered by him and the other circumstances mentioned hereinabove.

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 subject to the condition that he will not commit similar offence of which he is accused of during pendency of the trial.

(M.M.S. BEDI)
JUDGE

February 04, 2016
harsha