

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

(215)

CRM-M-43717-2015

Decided on: February 09, 2016.

Bohar Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

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

Present: Mr. Veneet Sharma, Advocate, for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

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

Petitioner seeks concession of regular bail in a case wherein he is in custody w.e.f. 25.05.2015, no recovery having been effected from him.

The petitioner was involved in the case on the basis of statement of one Kuldeep Singh who during his production warrants in FIR No.6 of 2014 in a case under Sections 21, 25 and 29 of the NDPS Act, on interrogation suffered a disclosure statement to the effect that he had been indulging in the smuggling of heroin since 2012 along with Jasbir Singh, Hargobind Singh, Surjit Singh, Kuldeep Singh, Jagjit Singh and the present petitioner. He had also got recovered 6 kgs of heroin as per his statement in the said case.

So far as recovery of 6 kgs of heroin on the basis of statement of co-accused Kuldeep Singh is concerned, the said recovery was not effected either from the premises of the petitioner or from him individually.

Prima facie, the petitioner is alleged to have abetted the commission of offence by Kuldeep Singh under the ambit of Section 29 of the NDPS Act.

With the assistance of learned State counsel, I have gone through the police file.

In the present case, on the basis of recovery effected from Kuldeep Singh, report under Section 173 (2) Cr.P.C has already been submitted against him. The persons named by Kuldeep Singh during course of interrogation have been arrayed as accused and investigation is still in progress against them. But the fact remains that till date no recovery has been effected from the petitioner. It will certainly be a debatable issue whether the culpability of the petitioner can be determined solely on the basis of statement of his accomplice.

In view of abovesaid circumstances, the petitioner can be granted concession of bail.

Petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate, Tarn Taran.

(M.M.S. BEDI)
JUDGE

February 09, 2016
harsha