

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

215(A) (1)

CRM-M-44326-2015

Date of Decision: January 29, 2016

HARWANT SINGH @ HARBANS SINGHPETITIONER
VERSUS
STATE OF PUNJABRESPONDENT

(2)

CRM-M-42191-2015

KARAM SINGHPETITIONER
VERSUS
STATE OF PUNJABRESPONDENT

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

Present: Mr.Ramesh Sharma, Advocate for the petitioner
Ms.Simsi Dhir Malhotra, DAG, Punjab

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

This order will dispose of two petitions for grant of regular bail, one filed by Harwant Singh @ Harbans Singh (CRM-M-44326-2015) and other filed by Karam Singh (CRM-M-42191-2015).

As per the case of prosecution, a secret information had been received that one Kalu from Pakistan has been supplying heroin by throwing the same across the border through a plastic pipe. A raid had been conducted with the help of BSF personnel. Both the petitioners escaped from the spot. On their arrest, they made disclosure statements on the basis of which 350 grams of heroin was recovered. The petitioners have been in custody w.e.f. 11.2.2015 and 10.2.2015 respectively.

The recovery in the present case is effected after registration of FIR under Section 21 of the NDPS Act on the basis of the statements made by the petitioners while in police custody under the provisions of Section 27 of the Indian Evidence Act. Relevance and admissibility of the statements made in police custody resulting into recovery will certainly be a debatable issue during trial.

The petitions are allowed. The petitioners are ordered to be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of the trial Court subject to the condition that the petitioners will not commit the similar offence of which they are accused of, during the entire period of the trial.

**(M.M.S.BEDI)
JUDGE**

January 29, 2016