

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

Cr. Misc. M 4820 of 2016  
Date of decision:- 16.3.2016

Harnam Singh

Petitioner

vs.

State of Punjab

Respondent

Present: Mr. Ashish Aggarwal, Advocate.  
Mr. Jashanpreet Singh, AAG, Punjab

**M.M.S.BEDI,J.**

The petitioner has been in custody w.e.f. 21.12.2015 in a case registered at the instance of Inspector Baljit Singh alleging that a secret information has been received by the police party on 14.12.2015 that Bhupinder Singh and others are in the business of smuggling of heroin and in case raid is conducted, they could be arrested. The raid having been conducted on the basis of secret information, five persons were arrested. So far as the petitioner is concerned, he is neither named in the secret information nor he was arrested from the spot. His name has been disclosed by his co-accused Bhupinder Singh. It will be a debatable issue whether any offence u/s 399 IPC is made out against the petitioner as recovery of 2.225 kgs of heroin was not effected from him.

The petition has been opposed inter alia on the ground that four FIRs have been registered against him but it has been informed by counsel for the petitioner that the petitioner stands acquitted in three cases and is facing trial in the fourth one.

Taking into consideration the totality of the circumstances the petitioner can be granted the concession of bail. The recovery of weapon

from him will certainly be a debatable issue as the said recovery has been made pursuant to disclosure statement made by him.

Without expression of any opinion on merits of the case, the petition is allowed and the 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 the petitioner will not indulge in the similar activity, of which he is accused of, during pendency of the trial.

March 16 ,2016  
TSM

( M.M.S.BEDI )  
JUDGE