

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-6780 of 2016 (O&M)
Date of Decision: 01.3.2016

Harjinder Singh @ Jinder

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. D.N. Ganeriwala, Advocate for the petitioner.

Ms. Anmol Grewal, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.14 dated 23.7.2015 under sections 21, 25, 29, 61, 85 of N.D.P.S Act and sections 25, 54, 59 of Arms Act, registered at Police Station, SSOC, Amritsar.

Learned counsel for the parties have been heard.

As per prosecution version, recovery from the co-accused namely Rashpal Singh is of 1 kgs. of heroin. Alleged recovery from the present petitioner is of .32 bore revolver and six cartridges.

Petitioner was arrested on 23.7.2015.

It would be apposite to notice that separate recovery memos were prepared. The recovery memo pertaining to 1 kgs. of heroin reflects such recovery from co-accused Rashpal Singh and not the present petitioner.

Under such circumstances, it would be a moot point as to whether recovery of 1 kgs. heroin would be construed as a joint recovery. It would also be a debatable issue as regards culpability of the petitioner as

regards him being vicariously liable for the contraband recovered from his co-accused.

It has gone uncontroverted that the petitioner is not involved in any other case under the N.D.P.S Act.

Without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Amritsar.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

01.3.2016
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