

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

(204)

CRM-M-6994-2016

Decided on: July 28, 2016.

Sukhdev Singh @ Mand

.... Petitioner

Versus

State of Punjab

..... Respondent

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

Present: Mr. Raj Karan Singh Verka, 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 registered at the instance of Mr. Bivash Tirkey, Company Commandant, BSF, alleging that on 14.09.2014 observing suspected movements on the Pakistan side of the boarder, an ambush had been planned when few miscreants threw two bags from the fence and they were fired upon but they escaped from the spot. Recovery of 1 kg 900 grams of heroin was effected from the spot.

The petitioner was not named in the FIR. He has been involved in the case on the basis of recovery effected from the petitioner of one pistol and six live cartridges. The petitioner has been in custody w.e.f. 22.09.2014.

It is an admitted fact that no recovery has been effected from the petitioner and he was arrested in the present case while being already in custody in FIR No.222 of 22.09.2014 under the Arms Act in which the petitioner allegedly made a disclosure statement in custody regarding his involvement in the present case.

In view of above circumstances and taking into consideration the period of detention suffered by the petitioner, he can be granted the concession of bail.

The 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 indulge in similar activity of which he is accused of, during the entire period of trial.

(M.M.S. BEDI)
JUDGE

July 28, 2016
harsha

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No