

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

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CRM-M-7992-2016

Date of Decision: March 10, 2016

SUKHMEETPAL SINGH @ SUKHPETITIONER
VERSUS
STATE OF PUNJABRESPONDENT

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

Present: Mr.Ashish Aggarwal, Advocate for the petitioner

Mr.Jashan Preet Singh, AAG, Punjab.

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

The petitioner seeks concession of regular bail in a case registered on the basis of secret information that Gurminder Singh, Ranjit Singh, Jasbir Singh, Gursewak Singh, Kabal Singh, Randeep Singh, Jagdeep Singh, Manjit Singh and Jagdish along with other persons indulged in smuggling of heroin on Indo-Pak border. Gurminder Singh was arrested with 2 Kg 600 grams of heroin while travelling in a car whereas Gursewak Singh, Jasbir Singh and Manjit Singh escaped from the spot. During the course of investigation, 7 kg of heroin more was recovered from the vehicle on the basis of disclosure statement of Gurminder Singh.

So far as the petitioner is concerned, he is not named as an accused in the FIR which was registered on the basis of secret information. He has been involved in the case on the basis of disclosure statement of his co-accused Jagdeep Singh @ Jaggu to the effect that petitioner was also a member of the gang and he had introduced Jaggu to Ranjit Singh and Gurwinder Singh who indulged in smuggling of heroin. Petitioner was not found in possession of any prohibited material under NDPS Act.

It will certainly be debatable whether on the basis of statement of co-accused, without any recovery having been effected from the

petitioner, he can be said to have abetted the commission of crime with his co-accused. Petitioner has only been charged for offence under Section 29 of the NDPS Act.

In view of the fact that the co-accused of the petitioner Ranjit Singh has been granted the concession of bail, the petitioner can also be granted the same relief.

Without expression of any opinion on merits, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of the trial Court.

March 10, 2016
TSG

(M.M.S.BEDI)
JUDGE