

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

Cr. Misc. M 8368 of 2016
Date of decision:- 16.3.2016

Sawinder Singh

Petitioner

vs.

State of Punjab

Respondent

Present: Mr. PPS Doabia, Advocate.
Mr. Jashanpreet Singh, AAG, Punjab.

M.M.S.BEDI,J.

The petitioner seeks the concession of regular bail in case FIR No. 176 dated 31.8.2013 registered under Sections 21/61/85 and Section 25/27 Arms Act registered at P.S. Tarn Taran. As per the allegations in the FIR, a secret information had been received by the police that Dilbag Singh, Lakhwinder Singh, Satnam Singh and Rashpal Singh, non petitioners, indulged in selling of heroin and that they were coming in an Indica car. On having been intercepted at naka bandi , three persons fled away while driver of the car Dilbag Singh was apprehended, from whom 500 grams of heroin was recovered along with a double barrel gun and two live cartridges. The name of the petitioner is alleged to have been disclosed by Dilbag Singh, who has allegedly escaped along with Lakhwinder Singh, Rashpal Singh and Satnam Singh.

Counsel for the petitioner submits that the petitioner was arrested in the present case while he was in custody in FIR No. 68 dated 4.12.2011 in a case of recovery of 1 kg of heroin. He has been undergoing sentence in the said case. It will be a debatable issue during trial whether the prosecution can seek conviction of the petitioner on the basis of

statement of the co-accused.

Taking into consideration the fact that the petitioner has been in custody since 14.10.2013; no recovery having been effected from him, he can be granted the concession of bail.

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 in the above said FIR i.e. FIR No. 176 dated 31.8.2013 registered at P.S. Tarn Taran, if not required to be detained in any other case.

March 16 ,2016
TSM

(M.M.S.BEDI)
JUDGE