

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

CRM No. M-2601 of 2017 (O&M)

Date of Decision: 23.02.2017

Shampy Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. L.S. Sekhon, Advocate for the petitioner.

Ms. Shivali, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.30, dated 20.04.2016, under Sections 15/61/85 of the NDPS Act, registered at Police Station Sadar Nabha, District Patiala.

Counsel submits that the alleged recovery effected in the present case is not from the petitioner but from co-accused Gurdev Singh and of 150 kilograms of poppy husk. It is contended that the present petitioner is sought to be implicated on the statement of co-accused Gurdev Singh.

Learned State counsel has opposed the present petition by contending that the petitioner is involved in two other cases under the NDPS Act i.e. FIR No.80 dated 05.08.2016 as also FIR No.164 dated 01.12.2014.

Mr. Sekhon, Advocate has met such objection by contending that the petitioner is on bail in FIR No.164 dated 01.12.2014 and insofar as FIR No.80 is concerned, it is a case where again the petitioner has not been apprehended on the spot and no recovery was effected.

Petitioner is stated to be in custody in the present case since 19.08.2016. Challan already stands presented. The trial is still at the initial stage.

In view of the peculiar facts and circumstances of the case and without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Patiala.

Disposed of.

23.02.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

- | | | |
|-----|----------------------------|-----|
| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |