

219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Hemlata
2017.11.02 17:00
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CRM-M-39446-2017(O&M)

Date of decision: 01.11.2017

Gurvir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. B.S.Jatana, Advocate, for the petitioner.

Mr. A.S.Gill, Sr. DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

This is a petition under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.94, dated 11.05.2017, under Sections 25, 29, 15, 61, 85 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar, District Patiala.

Learned counsel for the petitioner submits that the petitioner was not arrested at the spot and not named at the first instance. The petitioner's name was given by co-accused-Jatinder Singh from whom 01 Quintal and 08 Kg Poppy husk was recovered. Learned counsel for the petitioner further submits that the petitioner is a handicapped person and is in judicial lock up since 22.07.2017 and not involved in any other such or similar case. It is further submitted that co-accused, Punjab Singh, from whose car the recovery was made has been granted anticipatory bail vide order dated 24.05.2017 passed in CRM-M-18797-2017 and this order was confirmed on 31.05.2017. It is further submitted that another co-accused Sukha Singh has been kept in column No.2 by the police. It is further submitted that said Sukha Singh was also named by co-accused Jatinder Singh @ Babbu in its disclosure statement along with the petitioner.

Learned State counsel, on instructions from ASI Parvinder Singh, has opposed the bail on the ground that in case, the petitioner is released on bail, he may involve in similar other activities.

Considering the fact that the petitioner was not arrested at the spot and named subsequently by co-accused Jatinder Singh along with another co-accused Sukha Singh, who has been found innocent by the police during the investigation and also in view of the fact that co-accused - Punjab Singh, from whose car the recovery was made, has been granted anticipatory bail by this Court and moreover, the petitioner has already undergone more than 3 months of sentence and is stated to be a physically handicapped person, the present petition is allowed. Petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case or found misusing concession of bail.

(ARVIND SINGH SANGWAN)
JUDGE

01.11.2017
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No