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

Date of Decision: 16.05.2017

1. CRM-M No.46515 of 2016

Jaswant @ Gagandeep Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

2. CRM-M No.46543 of 2016

Sukhwinder Singh @ Sukhi

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Nikhil Bhatia, Advocate for
Mr. Sant Pal Singh, Advocate
for the petitioner in CRM-M No.46515 of 2016.

Mr. Manu Loona, Advocate
for the petitioner in CRM-M No.46543 of 2016.

Mr. Shilesh Gupta, Addl, AG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Vide this common order, CRM-M No.46515 of 2016
titled Jaswant @ Gagandeep Singh Vs. State of Punjab and

CRM-M No.46543 of 2016 titled Sukhwinder Singh @ Sukhi Vs. State of Punjab are being disposed of.

In both the petitions, prayer is for regular bail under Section 439 Cr.P.C in case bearing FIR No.53 dated 18.04.2016 registered under Sections 21/29 of the NDPS Act at Police Station Sadar Fazilka, District Fazilka.

As per allegations in the FIR, the FIR came to be registered when three young persons were seen coming on a motorcycle. On seeing the police party, they tried to turn their motorcycle. On suspicion, they were stopped. Kewal Singh who was identified by the police party succeeded in running away from the spot. Second person was identified as Sukhwinder Singh @ Sukhi and third person was identified as Jaswant Singh @ Gagandeep Singh. From the tool box of the motorcycle, 500 grams of heroin was allegedly recovered.

Learned State counsel on instructions from Head Constable Buta Singh submits that as per police verification, motorcycle in question belongs to Kewal Singh.

Kewal Singh was arrested on 29.04.2016 along with 30 grams of heroin. He has already been granted regular bail by this Court on 29.11.2016 in CRM-M No.40890 of 2016. This Court while granting bail to Kewal Singh observed that his culpability with regard to the alleged occurrence dated

18.04.2016 would be debatable as he was not arrested from the spot. Petitioners are in custody since 18.04.2016.

Taking into consideration all the attending circumstances, particularly in view of the fact that motorcycle belongs to Kewal Singh and without adverting anything on the merits of the case, I deem it appropriate to enlarge the petitioners on regular bail subject to their furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

Both the petitions stand disposed of.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

May 16, 2017.
Prince

(RAJ MOHAN SINGH)
JUDGE

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