

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

Hemlata  
2017.09.29 18:24  
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**CRR-3420-2017(O&M)**

**Date of decision: 28.09.2017.**

Amrinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present: Mr. H.N.S.Gill, Advocate  
for the petitioner.

Mr. R.S.Khaira, AAG, Punjab.

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**ARVIND SINGH SANGWAN, J. (ORAL)**

Challenge in this petition is to the order dated 31.08.2017, vide which, the trial Court has declined to grant bail under Section 167(2) Cr.P.C. to the petitioner.

Learned counsel for the petitioner submits that as per version given in the FIR, the petitioner was driving a car and co-accused Rajwant Kaur and Simrajit Kaur to whom he had given lift, were sitting on the rear seat of the car and during checking by the police, 250 gm of narcotic powder each was recovered from the purses in hands of two ladies, namely, Simrajit Kaur and Rajwant Kaur.

Learned counsel for the petitioner submits that both the co-accused have given their different addresses, whereas, the petitioner belongs to the different place and as such, it was not in his knowledge that the co-accused were carrying any 500 gm narcotic powder as he has simply given lift to these two ladies. It is further submitted that co-accused Simarjit Kaur has already granted the concession of bail under Section 167(2) Cr.P.C. vide order dated 31.08.2017. However, the trial Court on the same day, vide impugned order dated 31.08.2017 has declined to grant bail on the ground

that since the petitioner was driving the car from which recovery of 500 grams of heroin was effected, the petitioner is not entitled to concession of bail.

Learned counsel for the petitioner further submits that in fact, a bare perusal of the FIR shows that the recovery was effected from the purses of co-accused, namely, Rajwant Kaur and Simrajit Kaur and no recovery was effected from the petitioner and he was only driving the car, therefore, the impugned order dated 31.08.2017, declining the bail to the petitioner, as per default clause under Section 167(2) Cr.P.C., is liable to be set aside.

Learned State counsel, on instructions from ASI, Harpreet Singh, however, opposes prayer for bail.

Without commenting on merits of the case and considering the fact that the co-accused has already granted the concession under Section 167(2) Cr.P.C. vide order dated 31.08.2017, the impugned order dated 31.08.2017 passed on same day not granting the similar benefit to the petitioner, is set aside. The petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

Disposed off.

**(ARVIND SINGH SANGWAN)**  
**JUDGE**

**28.09.2017**  
Hemlata

Whether speaking/reasoned  
Whether reportable

Yes / No  
Yes / No