

CRM-M-14318-2018

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

CRM-M-14318-2018

Date of Decision: 20th April, 2018

Harpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Yowan Singh, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.41, dated 10.05.2017, registered at Police Station Khalra, District Tarn Taran, under Sections 21/29 of Narcotic Drugs and Psychotropic Substances Act, 1985.

It is the contention of the learned counsel for the petitioner that although the petitioner has been named in the FIR but he was not arrested at the spot. Petitioner has been falsely implicated in the present case on the basis of the disclosure statements of two co-accused. His submission is that neither any recovery has been effected from the petitioner nor has he been connected with the commission of offence in any manner. Petitioner was

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arrested in this case on 22.06.2017 and since then, he is in custody. He further contends that the charges in this case have already been framed but till date, not even a single prosecution witness has been examined and therefore, trial is not likely to conclude in near future. Counsel for the petitioner places reliance upon the order dated 26.03.2018 passed in CRM-M-45346-2017, titled as 'Sukhchain Singh @ Chaina Vs. State of Punjab', vide which, co-accused of the petitioner, namely, Sukhchain Singh @ Chaina has been granted the benefit of regular bail by this Court. He, therefore, prays for the same benefit of regular bail to the petitioner during the pendency of the trial.

Counsel for the State has produced the custody certificate of the petitioner but could not dispute the assertions as have been made by the counsel for the petitioner. He, on instructions from S.I. Harpal Singh, P.S. Khalra, District Tarn Taran, contends that the petitioner is involved in the smuggling of heroin and therefore, may not be granted the concession of regular bail.

Having considered the submissions made by the counsel for the parties and keeping in view the facts that no recovery has been effected from the petitioner except that the co-accused have disclosed his name in their disclosure statements, the trial is not likely to conclude in near future as no prosecution witness has been examined till date, the petitioner is in custody since 22.05.2017 and his co-accused, namely, Sukhchain Singh @ Chaina has been granted the benefit of regular bail by this Court, the present petition is allowed and the petitioner is ordered to be released on

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bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

20th April, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No