

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

Sr. No.213

**CRM-M-17170-2018**

**Date of decision : 17.10.2018**

Captain Singh

..... Petitioner

**VERSUS**

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present: Mr. V.K. Jindal, Advocate, for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab

\*\*\*\*\*

**SUDHIR MITTAL, J. (Oral)**

The petitioner seeks regular bail in case FIR No.20 dated 09.09.2017, registered at Police Station SSOC, Amritsar, under Sections 21, 25 and 29 of NDPS Act, 1985.

The petitioner was arrested during the course of search and patrolling conducted by the police. The car, in which, he was travelling was stopped and 270 grams of heroin was recovered from the dash board of the said car. Apart from the petitioner, three more persons were travelling in the car.

Initially, an argument was raised that the recovered contraband has to be divided amongst the occupants of the car and if so divided, the recovery from the petitioner would be of non-commercial quantity. Today, reference has been made to a Full Bench judgment of this Court in **'Bhupinder Singh @ Bhinda Vs. State of Punjab, 2005(1) RCR (Criminal) 168'**, wherein it has been held the liability is joint in nature and that such a plea cannot be taken at the time of seeking bail unless, the plea has been taken at the time of framing of charge. Thus, learned counsel for the petitioner does not press this argument.

It is next submitted that the petitioner has been in custody since 10.09.2017, although, he was granted interim bail vide order dated 02.05.2018. The investigation is complete and the challan already stands presented. However, examination of prosecution witnesses has not yet started and thus, the trial is not likely to be concluded at an early date. Co-accused have already been granted regular bail by this Court vide order dated 13.09.2018 passed in CRM-M-17459-2018 and CRM-M-21801-2018 and thus, the petitioner be also granted the same concession.

Learned State counsel does not dispute the aforementioned factual submissions.

Keeping in view the fact that similarly situated co-accused have been released on bail, I deem it appropriate to grant the same concession to the petitioner as well. Accordingly, the petition is allowed and petitioner-Captain Singh, is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

**(SUDHIR MITTAL)**  
**JUDGE**

**17.10.2018**

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No