

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

**CRM-M-20667-2018
Date of decision:10.09.2018**

Surinder Singh @ Billa

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

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

Ms. Simranjeet Kaur, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of regular bail in case registered vide FIR No.90 dated 09.05.2017 under Sections 21, 25, 29, 61 and 85 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Goraya, District Jalandhar (Rural).

The FIR in the present case was lodged pursuant to the receipt of an information that Amandeep @ Rinku who is into selling of intoxicants and against whom other cases are registered wherein he is absconder, is coming to village Samrarhi in a white colour Swift car bearing registration No.PB-08-DC-7093 to supply Heroin to his

customers and that in case '*Nakabandi*' is conducted he can be arrested red-handed. Pursuant to receipt of aforesaid information barricading was raised and Amandeep Singh was apprehended along with 500 grams of Heroin. It is the case of prosecution that during the course of interrogation, he disclosed that he had procured Heroin from one Surinder Singh @ Billa (petitioner).

Notice of this petition was issued to the State. Learned State counsel has opposed the petition and prayed for dismissal of the same.

Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and to ensure that the petitioner remains behind bars, the police has implicated him in two more criminal case on the same day apart from the present FIR i.e. FIR No.137 dated 09.05.2017 under Section 22, 61, 85 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Phillaur, District Jalandhar; and FIR No.136 dated 09.05.2017 under Section 22, 29, 61, 85 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Phillaur, District Jalandhar. It has further been submitted that in any case, the petitioner had not been arrested on the spot and he is sought to be implicated solely on the basis of statement of co-accused.

On the other hand, learned State counsel has submitted that the petitioner is seasoned drug trafficker and that as on date two more cases are pending against him and that in these circumstances, the petitioner does not deserve the concession of bail.

Custody certificate has been filed today by the learned State counsel, which is taken on record.

Having regard to the abovesaid facts and circumstances, especially bearing in mind the fact that the petitioner has been implicated on the statement of co-accused, who has himself been enlarged on bail and also that the petitioner was not arrested at the spot, in my opinion, the petitioner can be extended the concession of bail on grounds of parity. The petitioner has been behind bars since 15.05.2017. The conclusion of trial, in its normal course, is likely to take some time and no fruitful purpose would be served by further detaining the petitioner behind bars. Accordingly, petitioner-Surinder Singh @ Billa is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, Jalandhar.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

This petition stands accepted accordingly.

(GURVINDER SINGH GILL)
JUDGE

10.09.2018
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**