

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

**CRM-M No.22148 of 2018 (O&M)**

**Date of decision : 26.10.2018**

**Harbhej Singh alias Jawed and another**

.....Petitioners

*Versus*

**State of Punjab**

...Respondent

**CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY**

Present : Mr. Rishu Mahajan, Advocate for the petitioners.

Mr. C. L. Pawar, Senior D.A.G., Punjab.

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**DAYA CHAUDHARY, J.**

**CRM No.34405 of 2018**

This application is dismissed as having become infructuous, as the main case is also fixed for today.

**CRM-M No.22148 of 2018**

Petitioners Harbhej Singh alias Jawed and Jagroop Singh alias Jaggu have filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to them in case FIR No.09 dated 24.01.2018 under Sections 21/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – ‘NDPS Act’), registered at Police Station – Kamboj, Distt. Amritsar, during pendency of the trial.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the case, whereas the alleged recovery was

not effected from their possession. The FIR was registered on the basis of secret information and Naka was laid and thereafter, search was conducted. Learned counsel also submits that as per the allegations, 260 grams of heroin was recovered from dashboard of the car. The car used in the commission of offence does not belong to the petitioners and both the petitioners were picked up from their houses. Learned counsel also submits that co-accused of the petitioners namely Manjit Kaur has been released on interim bail vide order dated 18.04.2018 passed in CRM-M No.12273 of 2018. There is no other case of NDPS Act pending against them.

Learned counsel further submits that the petitioners are entitled for interim bail as FSL report has not been received so far. In support of his arguments, he has also relied upon judgment of Division Bench of this Court in case ***Inderjeet Singh alias Laddi & Ors. Vs. State of Punjab 2014 (3) R.C.R. (Criminal) 953***. Petitioners are in custody since 24.01.2018 and no purpose would be served by keeping them in custody.

Learned State counsel has not disputed the period of custody undergone by the petitioners as well as the factum of release of co-accused Manjit Kaur on interim bail vide order dated 18.04.2018.

Heard arguments of learned counsel for the parties and have also perused the contents of the FIR and other documents on the file.

Admittedly, co-accused Manjit Kaur has been released on interim bail vide order dated 18.04.2018 passed in CRM-M No.12273 of 2018. Petitioners are in custody since 24.01.2018. In view of the judgment of Division Bench of this Court rendered in ***Inderjeet Singh alias Laddi's***

case (supra) and parity with co-accused, petitioners are also held entitled to interim bail till receipt of FSL report.

Accordingly, the present petition is allowed and the petitioners are directed to be released on interim bail on furnishing adequate bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate. However, it is mentioned here that the interim bail granted today will come to an end automatically after receipt of report of chemical examiner and petitioners are directed to surrender before the Court forthwith on receipt of the report.

**26.10.2018**

*sunil yadav*

**( DAYA CHAUDHARY )  
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No