

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

205

**CRM-M-23027-2018 (O&M)  
Date of Decision : 09.08.2018**

Rajan Singh @ Raja

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE P.B.BAJANTHRI**

Present: Mr. Gursimran Singh Bhatia, Advocate for the petitioner.  
Mr. Luvinder Sofat, AAG, Punjab.

**P.B. BAJANTHRI, J.(ORAL)**

In the instant petition, petitioner has sought for regular bail under the provision of Section 439 Cr.P.C. in case FIR No.231 dated 02.09.2016, under Section 18 of NDPS Act, registered at Police Station Sultanwind, District Amritsar (Annexure P-1).

2. Learned counsel for the petitioner submitted that earlier he had approached this court seeking regular bail in CRM-M-37556 of 2017 and it was decided on 19.01.2018 while dismissing the petitioner's petition. Learned counsel for the petitioner submitted that co-accused has been extended bail on 25.04.2017 in CRM M-12947-2017. Petitioner is in custody since 02.09.2016. No doubt after dismissing his bail application from 19.01.2018 there is no development as there is no fresh ground except

to the extent that custody period till this day. Learned counsel for the petitioner further submitted that petitioner was driving the Activa scooter along with co-accused Sarbjit Singh whereas Sarbjit Singh was carrying bag pack and recovery of 3 kg opium is from his bag pack. Therefore, petitioner is entitled for regular bail on par with Sarbjit Singh having regard to the role played by the petitioner is only to the extent that he was accompanying Sarbjit Singh.

3. On instructions of ASI Parveen Kumar, learned State counsel resisted the contentions raised by learned counsel for the petitioner stating that no fresh material is placed after order dated 19.01.2018 vide which petitioner's bail application was dismissed and recovery is commercial quantity.

4. Heard the learned counsel for the parties.

5. Having regard to the factual aspects that petitioner was accompanying Sarbjit Singh and the fact that recovery of 3 kg opium is from Sarbjit Singh and he has been extended the bail on 25.04.2017. Even though petitioner's bail application was dismissed on 19.01.2018. In the absence of fresh material petitioner is not entitled for bail. At the same time, further custody period is to be taken into consideration i.e. from January, 2018 to this day. In view of the custody period of the petitioner read with the fact that co-accused had been released on bail and petitioner is not involved in any other case, petitioner is entitled to regular bail.

6. In view of the submissions of learned counsel for the petitioner, especially having regard to the fact that petitioner is in custody since 02.09.2016, I deem it appropriate to grant the concession of regular bail to the petitioner.

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. Petitioner-Rajan Singh @ Raja is ordered to be released on regular bail on his furnishing bonds to the satisfaction of trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

**(P.B.BAJANTHRI)**  
**JUDGE**

**09.08.2018**

pooja saini

*Whether speaking/reasoned?*  
*Whether reportable?*

*Yes/ No*  
*Yes / No*