

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

CRM-M No.24913 of 2018

Date of decision : 13.09.2018

Satnam Singh alias Sonu

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Satbir Gill, Advocate for the petitioner.
Mr. Amit Mehta, Senior DAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to petitioner Satnam Singh alias Sonu in case FIR No.72 dated 17.08.2017 under Sections 21/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – “NDPS Act”), registered at Police Station Khalra, Distt. Tarn Taran.

Learned counsel for the petitioner submits that the FIR was registered on the basis of secret information and recovery has been shown to be effected on the basis of that information, whereas the petitioner was not arrested at the place of occurrence but he was arrested subsequently as the FIR was registered on 17.08.2017 and the petitioner was arrested on 05.09.2017. The alleged recovery is 500 grams of heroin. As per the custody certificate, he has been shown to be in custody since 09.09.2017. Learned

counsel also submits that petitioner has undergone custody of more than one year and there is no other case of NDPS Act against him. All prosecution witnesses are official witnesses and there is no possibility that the petitioner may influence them or tamper with the record.

Learned State counsel has not disputed the custody period undergone by the petitioner and also the fact that the petitioner was not arrested at the place of occurrence but he was arrested subsequently.

By considering the submissions made by learned counsel for the petitioner and keeping in view the fact that the petitioner is first offender, there is no other case of NDPS Act against him, FIR was registered on 17.08.2017 and the petitioner was arrested on 05.09.2017, he is in custody for the last one year, all the prosecution witnesses are official witnesses and there is no possibility that petitioner may influence them or tamper with the record, no purpose would be served by keeping him in custody.

Accordingly, present petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

13.09.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No