

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

CRM-M No.27212 of 2018

Date of decision : 12.11.2018

Lal Singh

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Vipul Jindal, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

Petitioner Lal Singh has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.23 dated 26.10.2017 under Sections 21/25/27A/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short the 'NDPS Act') and Section 25 of the Arms Act, 1959, registered at Police Station-State Special Operation Cell, Amritsar, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas no recovery was effected from him. He has been implicated on the basis of disclosure statement made by co-accused Krishna. Another co-accused of the petitioner namely Jagveer Singh has been released on regular bail vide order dated 13.03.2018 passed by this Court in CRM-M No.8383 of 2018. Petitioner is in custody

since 11.12.2017. He is on bail in the other case pending against him and no purpose would be served by keeping him in custody.

Learned State counsel has not disputed the period of custody undergone by the petitioner as well as the factum of release of co-accused Jagveer Singh on regular bail by this Court on the same allegations, as he was also implicated in the case on the basis of disclosure statement. However, learned State counsel has opposed the bail on the ground that one more case under Section 307 IPC is also pending against the petitioner. She further submits that many cases under NDPS Act are there against the family members of the petitioner and this fact has also been observed by the Coordinate Bench in order dated 28.03.2018 passed in CRM-M No.5444 of 2018 and bail has been declined to co-accused namely Kaushalya Bai alias Kaushalya.

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

By considering the submissions made by learned counsel for the parties and keeping in view the fact that in both the cases including the present one and the other case under Section 307 IPC, the petitioner has been implicated on the basis of disclosure statement; that co-accused of the petitioner namely Jagveer Singh has been released on regular bail by this Court and that the petitioner is in custody since 11.12.2017, the 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.

However, it is made clear that in case the petitioner is found to be involved in any other case under NDPS Act, the respondent-State is at liberty to move application for cancellation of bail.

12.11.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No