IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc. No. M-28493 of 2018
Date of decision: 28.08.2018

Sitara Singh alias Pehalwan **..Petitioner**

Versus

State of Punjab **..Respondent**

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab
for the respondent-State.

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Daya Chaudhary, J. (Oral)

The present petition has been filed by petitioner-Sitara Singh alias Pehalwan under Section 439 Cr.P.C. for grant of regular bail in case FIR No.239 dated 14.11.2017 registered under Sections 21, 25, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 411, 473 IPC, added subsequently, at Police Station Gate Hakima, District Amritsar City.

Learned counsel for the petitioner submits that co-accused of the petitioner, namely, Surjit Singh @ Bhola has approached this Court by way of filing Criminal Misc. No. M-3492 of 2018 and he has been released on regular bail vide order dated 31.05.2018. Learned counsel further submits that the petitioner has not played any role in commission of offence

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as he was picked up from his house by the officials of CIA Staff and subsequently, by making a concocted story, he has falsely been implicated. Learned counsel also submits that the case was registered against the petitioner and his co-accused-Surjit Singh, Balkar Singh. The alleged recovery of 255 gms of heroin was effected from the right pocket of the trouser of the petitioner and an amount of ₹40,000/- has been shown to be recovered from co-accused-Surjit Singh. The petitioner was neither the driver nor owner of the car. Learned counsel also submits that in other case, the petitioner is on bail. Even the provisions of Section 50 of the NDPS Act were not complied with.

Learned State counsel has not disputed the custody of more than nine months but opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is having criminal background as he is facing trial in two more cases i.e., one under Section 302 IPC and the other under the NDPS Act.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

Admittedly, co-accused-Surjit Singh @ Bhola has been released on regular bail by this Court vide order dated 31.05.2018 passed in Criminal Misc. No. M-3492 of 2018 and the alleged recovery is marginally more than the commercial quantity. The petitioner is in custody since 14.11.2017. The trial may take time to conclude and no purpose would be served by keeping him in custody.

Accordingly, the present petition is allowed and the petitioner

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(Sitara Singh alias Pehalwan) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

28.08.2018 **(DAYA CHAUDHARY)**
neetu **JUDGE**

Whether speaking/reasoned Yes

Whether Reportable No

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