

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.213-a

CRM-M-29084-2018

Date of decision : 17.10.2018

Gurjinder Singh @ Kala

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

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

Mr. K.S. Sidhu, DAG, Punjab

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.20 dated 09.09.2017, registered at Police Station SSOC, Amritsar, under Sections 21, 25 and 29 of NDPS Act, 1985.

Status report dated 17.10.2018 on behalf of the respondent-State has been filed in Court and the same is taken on record. A copy thereof has been supplied to counsel for the petitioner.

The petitioner was arrested during the course of search and patrolling conducted by the police. The car, in which, he was travelling was stopped and 270 grams of heroin was recovered from the dash board of the said car. Apart from the petitioner, three more persons were travelling in the car.

Initially, an argument was raised that the recovered contraband has to be divided amongst the occupants of the car and if so divided, the recovery from the petitioner would be of non-commercial quantity. Today, reference has been made to a Full Bench judgment of this Court in **'Bhupinder Singh @ Bhinda Vs. State of Punjab, 2005(1) RCR (Criminal) 168'**, wherein it has been held the liability is joint in nature and

that such a plea cannot be taken at the time of seeking bail unless, the plea

has been taken at the time of framing of charge. Thus, learned counsel for the petitioner does not press this argument.

It is next submitted that the petitioner has been in custody since 10.09.2017. The investigation is complete and the challan already stands presented. However, examination of prosecution witnesses has not yet started and thus, the trial is not likely to be concluded at an early date. Co-accused have already been granted regular bail by this Court vide order dated 13.09.2018 passed in CRM-M-17459-2018 and CRM-M-21801-2018 and thus, the petitioner be also granted the same concession.

Learned State counsel does not dispute the aforementioned factual submissions.

Keeping in view the fact that similarly situated co-accused have been released on bail, I deem it appropriate to grant the same concession to the petitioner as well. Accordingly, the petition is allowed and petitioner-Gurjinder Singh @ Kala, is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

(SUDHIR MITTAL)
JUDGE

17.10.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No