

Crl. Misc. No. M-3492 of 2018 (O&M)

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-3492 of 2018 (O&M)

DATE OF DECISION:31.05.2018

Surjit Singh @ Bhola

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Ms. Jaspreet Kaur, AAG, Punjab.

DAYA CHAUDHARY, J.

Crl. Misc. No. 19711 of 2018

This application has been filed for addition of offences under Sections 411 and 473 IPC in the head note as well as prayer clause of the petition as the same were added subsequently.

Application is allowed and Sections 411 and 473 IPC are ordered to be added in the head note as well as prayer clause of the main petition.

Registry is directed to make necessary corrections.

Crl. Misc. No. M-3492 of 2018

The present petition has been filed under Section 439 Cr.P.C.
for grant of regular bail to petitioner, namely, Surjit Singh @ Bhola in case

FIR No. 239 dated 14.11.2017 registered under Sections 21,25,29 of NDPS Act and Sections 411 and 473 IPC (added subsequently) at Police Station Gate Hakima, District Amritsar City.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the case as neither the recovery has been effected from him nor he is owner of the car. The recovery of 255 gms of heroin was effected from the pocket of co-accused-Sitara Singh. The petitioner has been connected with the offence only on the basis of cash amount and weighing scale recovered from him. The petitioner is in custody for the last more than six months and there is no other case of NDPS Act pending against him.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner but does not dispute the custody period and role of co-accused. She further submits that not only the amount was recovered but scale was also recovered from the petitioner. The cash amount recovered from the petitioner is out of sale consideration and he does not deserve the concession of bail keeping in view the quantity recovered from him and co-accused.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR and other documents available on the file.

Admittedly, the recovery has been effected from co-accused-Sitara Singh and only on the basis of cash amount and weighing scale, the petitioner has been connected in the present FIR. Even the car does not belong to the petitioner. How the amount of cash connected with the alleged recovery of contraband is only the presumption and the same can be

taken into consideration by the trial Court during rial. The petitioner is in custody for the last more than six months and there is no other case of NDPS Act pending against him.

Accordingly, the present petition is allowed and petitioner, namely, Surjit Singh @ Bhola is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

However, in case the petitioner is found to be involved in any other case of NDPS Act in future, the State is at liberty to move an application for cancellation of bail.

May 31, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No