

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

CRM-M-36469-2018

Date of decision:30.08.2018

Supandeep Singh alias Bobby

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

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

Mr. A.S. Sandhu, Addl. A.G., Punjab.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of regular bail in case registered vide FIR No.07 dated 07.02.2018 under Sections 21, 25, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Sarai Amanat Khan, District Tarn Taran.

It is the case of prosecution that a secret information was received by the ASI Balwinder Singh to the effect that Pardeep Singh, Supandeep Singh @ Bobby (petitioner) and Malkeet Singh are indulging into the business of selling heroin and that they were proceeding on

motorcycle from village Lahia to village Cheema Kalan/Cheema Khurd to supply heroin to some customers. Upon receipt of aforesaid information barricading was raised and the petitioner along with Pardeep Singh who were coming on motorcycle were apprehended. The recovery of 255 grams of heroin was recovered from co-accused Pardeep Singh from his personal search from the right pocket of his trousers. However no contraband is alleged to have been recovered from the personal search of the present petitioner.

Notice of the petition was issued to the respondent-State. Learned State counsel has opposed the petition and prayed for dismissal of the same.

Learned counsel for the petitioner has submitted that in the present case no contraband was recovered from the possession of the present petitioner and that another co-accused Malkeet Singh has already been released on anticipatory vide order dated 10.08.2018 passed by this Court and that in these circumstances the present petitioner also deserves the concession of regular bail.

On the other hand the learned State counsel has submitted that the present petitioner in connivance with his co-accused Pardeep Singh was into the business of selling of heroin and that there was specific prior information to this effect that he was driving the motorcycle on which co-accused Pardeep Singh was sitting as pillion rider and from whose possession 255 grams of heroin was recovered and thus the complicity of present petitioner is evident.

Having regard to the abovesaid facts and circumstances, I find that it is a case of recovery of 255 grams of heroin effected from the personal search of the co-accused Pardeep Singh from right pocket of his trousers. It would certainly be debatable as to whether the present petitioner can be attributed conscious possession or not. It has been informed by learned State counsel that no other criminal case is registered against the petitioner and challan has already been presented. The conclusion of trial, in its normal course, is likely to take some time. In my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars. Accordingly, petitioner-Supandeep Singh @ Bobby is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, Tarn Taran.

This petition stands accepted accordingly.

(GURVINDER SINGH GILL)
JUDGE

30.08.2018
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**