

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-41417 of 2018

Date of Decision: 30.11.2018

Sikander Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Sultan Singh Gill, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.110 dated 07.09.2017 under Sections 21/22 of the NDPS Act registered at Police Station Raja Sansi, District Amritsar Rural.

Learned counsel for the petitioner has argued that no recovery was effected from the petitioner. In fact, the recovery of 270 grams of heroine was effected from co-accused Sukhwinder @ Sahil. The petitioner has been named only on the basis of disclosure statement of the co-accused. There is no other case against the petitioner under the NDPS Act.

Though there were two cases registered against the petitioner, but he has been acquitted in those cases. The petitioner was arrested on 07.04.2018.

Learned State counsel has filed custody certificate of the petitioner in Court, which is taken on record.

As per the custody certificate, though there are two more cases against the petitioner i.e. FIR No.26 dated 04.04.2018 under Section 307 IPC and Section 25 Arms Act, P.S. Maqboolpura, Amritsar and FIR No.64 dated 03.04.2018 under Sections 379/120-B/411/473 IPC and Section 25 Arms Act, PS Sadar Amritsar, but there is no case against him under the NDPS Act.

I have heard learned counsel for the parties.

The petitioner is in custody since 07.04.2018 and the contraband i.e. 270 grams of heroine was recovered from the co-accused Sukhwinder @ Sahil. The petitioner has been named in the present FIR only on the basis of disclosure statement of the co-accused. Considering the fact that there is no other case pending against the petitioner under the NDPS Act and conclusion of trial in this case shall take sufficient long time and no useful purpose will be served to keep the petitioner in custody, I deem it appropriate to release him on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of the trial Court.

However, it is made clear that in case the petitioner is found indulged in any other case under the NDPS Act, the prosecution shall be at liberty to seek cancellation of his bail.

Needless to say that the observations made hereinabove shall
not be construed as any expression on the merits of the case.

November 30, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No