

CRM-M-45346-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45346-2017

Date of Decision: 26th March, 2018

Sukhchain Singh @ Chaina

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

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

Ms. Simranjeet Kaur, AAG, Punjab.

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.41, dated 10.05.2017, registered at Police Station Khalra, District Tarn Taran, under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

It is the contention of the learned counsel for the petitioner that the recovery which has been effected from the petitioner is 50 grams of heroin. On a disclosure statement of co-accused Jaspal Singh, recovery of 01 Kg. and 450 grams of heroin has been effected from the land which was taken on lease by co-accused Jaspal Singh and the petitioner is not connected in any manner with the said recovery nor is there any allegation against him, which was stated by co-accused Jaspal Singh that the heroin, which is recovered from the land in his possession, was kept concealed

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along with the petitioner. Charges in this case have been framed but till date, no prosecution witness has been examined. Counsel for the petitioner, therefore, prays for grant of bail as he is in custody since 10.05.2017 and the recovery which has been effected from him is of non-commercial quantity.

Counsel for the State, on the other hand, asserts that as per the secret information, petitioner along with co-accused Jaspal Singh was indulging in smuggling activities and therefore, he was also involved in the commission of offence and cannot be exonerated. She, however, could not dispute the fact that till date, no witness has been examined.

Keeping in view the fact that the recovery which has been effected from the petition is only 50 grams of heroin and there is nothing as of now which would connect the petitioner with the recovery effected from the land which was leased to Jaspal Singh as also none of the prosecution witnesses has been examined till date, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

(AUGUSTINE GEORGE MASIH)
JUDGE

26th March, 2018
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No