

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 10421 of 2019
Date of Decision:.09.04.2019

Gurwinder Singh @ Kalu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Inqulab Nagpal, Advocate for the petitioner.

Mr. C.L.Pawar, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short 'Cr.P.C') for grant of bail pending trial to the petitioner in case FIR No.108 dated 02.08.2018, under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station Sadar Fazilka, District Fazilka.

As per the FIR, on 02.08.2018, ASI Harbans Lal along with other police officials in government vehicle no.PB-05R-9846 was on regular checking and patrolling to the turn of village Hasta behind 20/25 sq.ft. and found four hair cut young persons standing on village Hasta's Turn with motorcycle Dominer colour black blue and moped Maestro colour white and kept something in polythene bag, who on suspicion were stopped. Out of those four persons, petitioner and two others were apprehended while the fourth escaped and from the search of polythene bag, 52 kgs of poppy husk

was recovered.

It is contended by learned Counsel for the petitioner that alleged recovery of contraband is 52 kgs of poppy husk that too from three persons. Also contends that co-accused Mukhtiar Singh @ Mukha has already been granted the concession of bail by this Court on 26.03.2019 vide CRM-M-50921-2018. Further contends that there is no other criminal case pending against the petitioner.

The above factual position is duly acknowledged by the learned State counsel, on instructions from ASI Sawan Singh.

Heard both sides and perused the paper book.

Admittedly, the petitioner is in custody since 02.08.2018 and the co-accused against whom the allegations are similar to the petitioner, has already been granted the concession of bail pending trial by this Court. Since no other case is pending against the petitioner, therefore, this Court deems it appropriate if the concession of bail is granted to the petitioner. Therefore, this petition is allowed and petitioner- Gurwinder Singh @ Kalu is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court.

The above observations may not be construed as an expression of opinion on merits of case.

09.04.2019

(MAHABIR SINGH SINDHU)
JUDGE

mamta

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