

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

**CRM-M No.1005 of 2019 (O&M)
Date of Decision: 04.02.2019**

Suraj Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Digvijay Nagpal, Advocate for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

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.0156 dated 22.12.2017 (**P-1**), under Sections 392, 384, 382, 379-B, 473, 506, 212, 216, 148, 149 of the Indian Penal Code, 1860; Sections 22/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25 of the Arms Act, 1959, registered at Police Station Shambhu, District Patiala.

The case of the prosecution is that on 22.12.2017, S.I. Malkiat Singh received a secret information that Harsimrandeep Singh @ Sema; Sukhpreet Singh; Gaurav Kumar Miglani; Jiwan; Gabbar, Bobby Dharamkot, Gurbir Bhullar Boksar along with other unidentified persons were indulging in murder, extortion, snatching, theft, dacoity and supplying the contraband i.e. *Heroin*. During investigation, co-accused Harsimrandeep Singh @ Sema made a disclosure statement and implicated

one Lovepreet Singh. Thereafter, said Lovepreet Singh, during investigation on 05.12.2018, nominated the present petitioner.

Learned Counsel for the petitioner contends that neither any recovery has been effected from the petitioner; nor he is involved in any manner with the commission of offence in the present case. Also contends that apart from this, no other criminal case is pending against the petitioner.

The factual position of non-involvement of the petitioner in any other case and regarding recovery in the present case is duly acknowledged by learned State Counsel, on instructions from S.I. Gurmail Singh.

Since the petitioner was nominated as an accused on the basis of statement made by co-accused namely, Lovepreet Singh after one year of the registration of FIR in question and thereafter, he was arrested on 11.12.2018 and there is no recovery of any alleged contraband from the petitioner.

Keeping in view the credentials as well as the facts that this is a '*no recovery case*'; investigation is already over; trial will take a long time for its conclusion and petitioner has been named after one year on the basis of disclosure statement of the co-accused, this Court deems it appropriate to release the petitioner on bail, pending trial.

In view of the abovesaid circumstances, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

However, it is made clear that in case there is recurrence on the part of the petitioner, the prosecution would be at liberty to move an appropriate application before this Court for recalling of this order.

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

February 04, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes