

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

CRL. MISC. No.M-10656 OF 2019 (O&M)
DATE OF DECISION : 18th MARCH, 2019

Tajinder Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

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Present : Mr. A. S. Khosa, Advocate for the petitioner.

Mr. H. S. Sullar, Deputy Advocate General, Punjab.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed this third petition under Section 439 Cr.P.C. seeking regular bail in FIR No.86 dated 28.06.2016 registered under Section 21 of NDPS Act at Police Station Sadar Fazilka, District Fazilka.

Heard learned counsel for the rival parties.

The petitioner was arrested on 28.06.2016 and is in jail since then. Learned counsel for the petitioner submits that co-accused Talwinder Singh and Nirvair Singh have also been released on bail by co-ordinate Bench of this Court vide order dated 31.05.2018 and 06.07.2018 respectively.

Upon hearing learned counsel for the petitioner and having perused the FIR, what is seen is that the co-accused had given a statement under Section 27 of the Indian Evidence Act that they had put 300 gram heroin in a polythene and that was concealed in the field of the petitioner.

It is not the case of the prosecution, prima facie, that the petitioner

himself concealed the same in his field and beyond that there is no other allegation against the petitioner.

Looking to the period of detention and that the co-accused have already been granted bail by this Court and particularly when the petitioner does not have any other prosecution pending against him, I am inclined to grant concession of regular bail to the petitioner.

In that view of the matter, I make the following order:

ORDER

- (i) CRL. MISC. No.M-10656 OF 2019 is allowed.
- (ii) The petitioner be released on bail to the satisfaction of the concerned CJM/Duty Magistrate.
- (iii) The petitioner to surrender his passport with the trial Court, if he possesses the same.

18TH MARCH, 2019
'raj'

(A. B. CHAUDHARI)
JUDGE