

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-16408-2019

Date of Decision: 20.05.2019

Ashwani Singh @ Ashwani

.... Petitioner

Versus

State of Punjab

.... Respondent

**CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: - Mr. Ritesh Pandey, Advocate for the petitioner.

Mr. AS Gill, DAG, Punjab.

**RAMENDRA JAIN, J. (ORAL)**

Through this petition under Section 439 Cr.P.C., petitioner- Ashwani Singh @ Ashwani, has prayed for grant of regular bail in case FIR No. 08 dated 16.02.2018 registered under Section 21 of the NDPS Act, 1985 (Section 29 of the NDPS Act, added later on) at Police Station Amanat Khan, District Tarn Taran.

According to the prosecution, on 16.02.2018, co-accused of the petitioner, namely; Sarabjit Singh @ Shabha @ Noni, was apprehended with conscious possession of 510 grams heroin, without any permit of licence.

Learned counsel *inter alia* contends that petitioner was arrested on the basis of disclosure statement of his co-accused, which is a very weak type of evidence. He is in custody since, 20.10.2018.

Conclusion of trial may take a long time. No useful purpose would be

served by detaining him in jail. Nothing has to be recovered from him. Co-accused of the petitioner, namely; Sarabjit Singh @ Shabba, had already been enlarged on bail by this Court, vide order dated 08.03.2019, passed in CRM-M-55006-2018 (Annexure P-2). Thus, treating the case of the petitioner on the same parity as that of his co-accused, he may also be released on regular bail.

On the other hand, learned State counsel vehemently opposed the submissions of learned counsel for the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner-Ashwani Singh @ Ashwani, is ordered to be released on bail pending trial, on his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

**May 20, 2019**  
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**(RAMENDRA JAIN)**  
**JUDGE**

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|----------------------------------|---------------|
| <b>Whether speaking/reasoned</b> | <b>Yes/No</b> |
| <b>Whether Reportable</b>        | <b>Yes/No</b> |