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

CRM-M-17345 of 2019

Date of decision: May 15, 2019

Harpreet Singh @ Happy

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vishal Sharma, Advocate for the petitioner.

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

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail to the petitioner, in FIR No.8 dated 12.01.2019, under Sections 21, 61, 85 of Narcotic Drugs and Psychotropic Substance Act, 1985, registered at Police Station Mehta, District Amritsar Rural, Punjab.

Learned counsel for the petitioner contends that the petitioner is in custody since 12.01.2019 and after investigation, report under Section 173 of Cr. P.C. has already been submitted. Also contends that no recovery was effected from the petitioner and there is no other case pending against him.

The above factual position is duly acknowledged by the learned State counsel, on instructions from Assistant Sub Inspector Harpal Singh, who is present in the Court to assist him.

Heard learned counsel for the parties and perused the paper

book.

As per prosecution case, complainant-Ajaypal Singh, ASI along with other officials were on patrolling in a private vehicle for search of bad persons/elements and were present at T-point Gurudwara Sahib, Mehta, where a secret informant came and informed that Varinderjeet Singh @ Sonu son of Sh. Gurnam Singh and Harpreet Singh @ Happy son of Sh. Prem Kumar, who were addicted of taking and selling heroin, in their swift car number PB07-BR-2101, were coming from Kathu Nangal side and they can be apprehended with the contraband. Believing the information true/credible, complainant informed, over phone, to SHO, Police Station Mehta, upon which, he instructed him to lay a *naka*. During *nakabandi*, one swift car, bearing number PB07-BR-2101 was seen and complainant indicated to stop the car. During search, wrapped item was recovered from Varinderjeet Singh alias Sonu tied in *muflar* (cloth) on waist.

Since there is no recovery effected from the petitioner rather the same was, concededly, effected from the co-accused-Varinderjeet Singh @ Sonu, no useful purpose will be served by keeping him behind bars.

As a result thereof, this petition is allowed. The petitioner 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/Duty Magistrate concerned.

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

However, it is clarified that petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)
JUDGE

May 15, 2019

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Whether speaking/ reasoned: **Yes**

Whether Reportable: **Yes**