

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

**CRM-M-17710-2019
Date of decision: 29.04.2019**

Gurnam Singh @ Gama

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Satbir Singh Gill, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 440 dated 15.05.2018, registered under Sections 21, 22, 27-A, 29, 61 of the NDPS Act, 1985 at Police Station City Sirsa, District Sirsa.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the police party, while in search of bad elements, found a motorcycle parked near Kali Mata Mandir, on which a plastic bag was lying and six young boys were standing near the motorcycle. On seeing the police party, they tried to run away, however, all of them were apprehended and out of them, four persons, namely Shami @ Sukhbir, Amit, Pawan and Sandeep, were named in the FIR. The petitioner was not arrested at the spot and he was named on the disclosure of one of the co-accused.

Learned counsel for the petitioner submits that on an earlier occasion, the petitioner was granted interim bail awaiting the report of the

FSL and the petitioner has not misused the same.

Learned counsel for the petitioner further submits that petitioner is not involved in any other case. It is also submitted that investigation is complete and the conclusion of the trial is likely to take a long time.

Learned State counsel, on instructions from ASI Hanuman Singh, has opposed the grant of bail to the petitioner and submitted that as per disclosure statement of the co-accused, it has come on record that it was the petitioner who has supplied the contraband to other co-accused.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner was not arrested at the spot and no recovery has been effected from him, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

29.04.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No