

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 219

Criminal Miscellaneous No.M-19272 of 2019 (O & M)
Date of Decision: May 06, 2019

Amritpal Singh @ Goldy

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

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CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

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PRESENT: - Mr. K.S. Sandhu, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General,
Punjab.

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Manoj Bajaj, J (Oral)

This petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case FIR No.247 dated 27.12.2017 under Sections 21 & 25 of the Narcotics Drugs & Psychotropic Substances Act, 1985 registered at Police Station, Doraha, District Ludhiana.

Learned counsel for the petitioner contends that recovery stood effected from co-accused namely Richard Johil and Saurabh. According to him, petitioner was not even present when the alleged recovery was effected from the co-accused. Learned counsel further contends that it is on the basis of statement made by the co-accused that petitioner was arrayed as an accused and the said statement is not admissible.

Learned State counsel has opposed the bail application. According to him, 1 kg of Heroin was recovered which is a commercial quantity. However, it is not disputed that petitioner was neither present at the time of recovery nor any other case of similar nature is pending against him. Investigation of the case is complete.

Considering the above background of the case and the case set up by the prosecution against the petitioner as well as status of the present case, this Court is of the opinion that further detention of the petitioner is not justified. Therefore, without meaning any expression of opinion on the merits of the case, petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail/surety bonds to the satisfaction of the trial court.

May 06, 2019
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(Manoj Bajaj)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No