

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

212

**CRM-M No.40799 of 2018.
Date of Decision: 16.01.2019.**

Balkar Singh

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Suresh Kumar Arya, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, Deputy Advocate General, Punjab.

Shekher Dhawan, J.

Present petition under Section 439 of the Criminal Procedure Code has been filed for grant of regular bail to the petitioner in case F.I.R. No.6 dated 09.01.2018 under Section 15/25 of the N.D.P.S. Act, registered at Police Station Sadar Patiala, District Patiala.

Learned counsel representing the petitioner contended that the alleged recovery of 40 kg poppy husk was effected from the possession of co-accused Sandeep Singh and name of the petitioner was not mentioned in the F.I.R. even. Subsequently, the petitioner was arrested in this case on 26.04.2018 on the basis of disclosure statement of co-accused which is not admissible. At the time of his arrest, the petitioner was already in custody in case FIR No.1 dated 05.01.2015 since 17.10.2017. Moreso, said Sandeep Singh, who is the main accused and from whom the recovery was effected, has already been admitted to bail, so the petitioner be released on bail.

Learned State counsel, while opposing the prayer for bail, on

Sandeep Singh has already been admitted to bail. However, he has taken the plea that the petitioner is not entitled to be released on bail as the car, in which the poppy husk was being transported, was in the name of the present petitioner, but the petitioner was not arrested on the spot and he was not named in the F.I.R.

Having considering the above facts and the fact that the petitioner is in custody since 26.04.2018, name of the petitioner has been disclosed by co-accused Sandeep Singh, who is the main accused and has been admitted to bail, trial of the case still to take some more time and no useful purpose would be served by detaining the petitioner behind the bar any more, the present petition is allowed. The petitioner is ordered to be admitted on regular bail on furnishing adequate bail bond and surety bond to the satisfaction of concerned learned trial Judge/ Chief Judicial Magistrate/ Duty Magistrate.

(SHEKHER DHAWAN)
JUDGE

16.01.2019
jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No