

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

**CRM-M No. 34787 of 2019
Date of Decision:-30.08.2019**

Makhan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Ashok Giri, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G. Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner Makhan Singh has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.269 dated 26.12.2016, under Section 21 of NDPS Act, 1985, registered at Police Station Phillaur, District Jalandhar Rural.

Co-accused Usha Rani was apprehended by the police on 26.12.2016 with 5 grams heroin and FIR in question was registered. During investigation, she disclosed that she used to purchase heroin from Makhan Singh (petitioner) and Shinder Kaur and thereafter sell the same. Thereafter, Shinder Kaur was arrested, who disclosed that she and her husband Makhan Singh used to purchase heroin from some person at Railway Station, Ludhiana and thereafter used to sell the same further. Usha Rani also purchased the same from them. Makhan Singh absconded and was declared proclaimed offender vide order dated 21.8.2017 and

thereafter arrested on 12.7.2019.

Learned counsel for the petitioner contends that the recovery of alleged contraband of 5 grams of heroin was effected from Usha Rani and on her statement, the petitioner was indicted as an accused as she has stated before the police that she purchased the heroin from Makhan Singh. It is pointed out that the wife of the petitioner, namely, Shinder Kaur was also indicted as an accused, who has been released on regular bail by the trial Court. According to him the petitioner is in judicial custody and is no more required for any investigation and the challan qua the main accused Usha Rani already stands filed.

On the other hand, prayer is opposed by learned State counsel, who is assisted by ASI Vijay Kumar on the ground that petitioner is involved in three more cases. However, it is not disputed that in the present case the recovery was not effected from the petitioner, who was indicted on the statement of co-accused Usha Rani.

Considering the above and the fact that the trial is likely to consume some time, further detention of the petitioner may not be justified, therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court, Jalandhar.

The petition is allowed.

August 30, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No