

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

220

CRM-M-39721-2019 O & M)
Date of Decision:25.09.2019

Gurjant Singh @ Jand

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. L.S. Sekhon, Advocate for the petitioner.

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

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.48 dated 21.01.2018, under Sections 21 and 29 of the NDPS Act, 1985, registered at Police Station Sadar Jagraon, District Ludhiana.

The FIR was registered on the basis of a secret information, wherein it was informed that Raja Singh @ Raju and one African citizen namely Mikel Chritian Clement, along with Gurjant Singh and two ladies namely Manpreet Kaur and another Rozettee Nomuteby were running a racket for supply of heroin. It was intimated that accused Rozettee Nomuteby would be carrying heroin for supply and travelling towards Moga. Acting upon the said information, the naka/check barrier was set up and a bus was stopped, wherein the said accused namely, Rozettee Nomuteby was found travelling. Upon search, 1.5 kg. of heroin was recovered from her.

Learned counsel for the petitioner contends that as per the FIR, recovery was effected from a bus. He further contends that the petitioner was already in custody in some other case when the recovery was effected from accused. He submits that it was on the disclosure of the said accused, the petitioner has been arrested. He further submits that co-accused have already been granted the concession of regular bail by this Court on 05.04.2019 in CRM-M-3079-2019.

On the other hand, learned State counsel assisted by ASI Bagga Singh has opposed the bail application on the ground that there is another case against the petitioner of the similar nature under the NDPS Act. However, it is not disputed that the petitioner was already in custody in some other case when the alleged recovery was effected. It is also not disputed that similarly situated co-accused is on bail.

Considering the above background and the fact that the trial is likely to take 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 requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

25.09.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No