

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

273

CRM-M-44039-2019

DATE OF DECISION: 17.12.2019

GUJRAL SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Vijay K. Jindal, Advocate for the petitioner(s).

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.60 dated 22.06.2019, under Sections 21 and 29 of the NDPS Act, 1985 registered at Police Station Ajitwal, District Moga.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR and no recovery has been effected from him. He has been arraigned as an accused on the statement of the co-accused Saaraj Singh from whom 550 grams of heroin and drug money has allegedly been recovered. The petitioner is falsely implicated in this case and he was also falsely implicated in another case under the NDPS Act on similar allegations of having been named by the co-accused. He is on bail in that case. He also contends that although the petitioner was in police custody for a considerable period but no recovery has been effected from the petitioner nor is there any prima facie evidence against the petitioner besides the statement of the co-accused. He is in custody for over 3 ½ months. He has relied upon the

judgment in the case of **Surinder Kumar Khanna Vs. Intelligence Officer, Directorate of Revenue Intelligence reported as 2018 (8) SCC 271** wherein it was held that the conviction cannot be based on the statement of co-accused.

Learned State counsel, upon instructions from SI Gurbax Singh, states that challan has been filed but charges are yet to be framed.

Heard.

In view of the submissions of learned counsel for the petitioner, especially when the petitioner is in custody for over 3 ½ months and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

17.12.2019.

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No