

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

251

CRM-M-49827-2019

DATE OF DECISION: 02.12.2019

KULDIP SINGH @ DIPI

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Dinesh Nagar, Advocate
for the petitioner.

Mr. N.K. Banka, DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.0085 dated 03.07.2018, under Section 22 of the NDPS Act, 1985, registered at Police Station Kathgarh, District SBS Nagar.

Learned counsel for the petitioner contends that no recovery has been effected from the petitioner and he has been arraigned as an accused on the statement of the co-accused from whom 15 injections each containing 2 ml of Buperanorphine were recovered. The petitioner is in custody for about 8 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**.

Learned State counsel, upon instructions from ASI Hans, states that the petitioner is also involved in another case under the NDPS Act. However, he is not in a position to controvert the submissions of learned counsel for the petitioner that no recovery has been effected

from the petitioner in the instant case. He also contends that 9 out of 12 prosecution witnesses have been examined and the matter is now listed on 06.12.2019 for examination of the remaining witnesses.

Heard.

In view of the submissions of learned counsel for the petitioner, especially when no recovery has been effected from the petitioner, he has been arraigned as an accused on the statement of the co-accused and he is in custody for about 8 months, 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

02.12.2019.

SwarnjitS

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