

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

111

**CRM-15736-2020 in/and
CRM-M-9247-2020
Decided on : 21.07.2020**

Amrit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.M.S.Saini, Advocate, for the applicant/petitioner.

Mr.S.P.S.Tinna, Addl.AG, Punjab.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

CRM-15736-2020

Application for preponement of hearing of the main case from 06.10.2020 has been filed on the ground that the applicant/petitioner is in custody since 21.11.2019.

Accordingly, in view of the averments made in the application, duly supported by affidavit, same is allowed and the hearing of the case is preponed from 06.10.2020 to today and the main case is taken on Board today itself.

CM stands disposed of.

CRM-M-9247-2020

Present petition has been filed under Section 439 Cr.P.C., for grant of regular bail in FIR No.122 dated 19.11.2019 under Sections 21/61 of NDPS Act, 1985, registered at Police Station Division No.4, District Ludhiana, Punjab.

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Counsel for the petitioner submits that as per the information received by the police party, 2 persons, namely, Shubham Kumar and Abhishek were doing the work of selling Heroin and information was, thus, received that they were coming in a vehicle bearing registration No.PB-10BV-5773 from Mohalla Shivpuri side adjoining the Ganda Nala. The said persons were apprehended on the basis of which contraband i.e., 2 kg and 400 gms of Heroin was recovered from them. On the statement of Shubham, the petitioner has been nominated as an accused.

Counsel for the petitioner has pointed out that as per the police remand application filed, it has been mentioned that Heroin was supplied by the petitioner who is in custody in case No.114 dated 12.10.2017 under Sections 307, 382, 34 IPC, 25, 54, 59 Arms Act, 22, 61, 85, NDPS Act and case No.111 dated 12.10.2017 under Sections 379 IPC and thus, remand was asked for. The arrest has been shown from 20.11.2019. It is further pointed out by counsel for the petitioner that in FIR No.114, the petitioner was in custody from the lodging of the FIR dated 12.10.2017 and was only released on regular bail in **CRM-M-44834-2019** on 07.02.2020 (Annexure P-3). The present FIR was lodged on 19.11.2019 and at that point of time, he was in custody and therefore, the disclosure statement would be of no avail as the petitioner was behind bars, at that point of time. It is similarly argued that the relevance of the disclosure statement of the co-accused would also be subject matter of discussion during the trial and whether the petitioner can be convicted on the said basis.

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Accordingly, keeping in view the fact that the petitioner was not arrested at the spot and he was in custody in another case, this Court is of the opinion that he has undergone sufficient period of incarceration and is entitled for the benefit of regular bail. Resultantly, the present petition is allowed and the petitioner is granted bail, on his furnishing bail bonds/surety bonds, to the satisfaction of the Illaqa/Duty Magistrate, Ludhiana.

JULY 21, 2020
sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No