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

CRM-M No.16341 of 2020(O&M)

Date of Decision: 22.07.2020

Vijay Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. A.S. Brar, Advocate
for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.173 dated 20.07.2019 registered under Section 21 of the NDPS Act (Section 29 of the NDPS Act added later on) at Police Station City Moga, District Moga.

As per prosecution case, secret information was received in respect of a vehicle which was stopped by the police party. The secret information was to the effect that the petitioner along with Varinder Singh @ Nannu, Dhramvir Singh and

Hardev Singh is involved in smuggling of heroin. Other accused have been hired by the petitioner for selling the heroin. Varinder @ Nannu and Dharamvir Singh were arrested from the spot. In fact 255 gms of heroin was recovered from Varinder @ Nannu (both learned counsel for the parties state at the bar that recording of 260 gms of heroin is on account of some typographical omission). The name of the petitioner came to be disclosed in the disclosure statement of co-accused. An amount of Rs.2,50,000/- was recovered from co-accused Dharamvir Singh as a drug money.

Learned counsel for the petitioner submitted that the lodging of FIR on the basis of secret information would require mandatory compliance of Section 42 of the NDPS Act. Co-accused Varinder Singh @ Nannu has been granted regular bail by the High Court vide order dated 17.06.2020 passed in CRM-M No.13600 of 2020. Co-accused Hardev Singh has also been granted interim bail by the High Court. Petition for grant of regular bail of Dharamvir Singh is pending consideration.

Per contra, learned State counsel stated that the petitioner is having antecedent behaviour of criminal activity as he is involved in number of cases. Petitioner has not been granted bail in those pending cases so far.

Be that as it may, since the petitioner has been

nominated on the basis of disclosure statement of co-accused, who has already been granted regular bail by this Court and the alleged recovery from the co-accused to the tune of 255 gms of heroin is marginally excess than the prescribed limit for commercial quantity, therefore, without meaning anything on merits of the case, I deem it appropriate to enlarge the petitioner on regular bail subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing expressed hereinabove, would be construed to be an expression of any opinion on merits of the case.

22.07.2020

(RAJ MOHAN SINGH)
JUDGE

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No