

CRM-M-20846-2020

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

CRM-M-20846-2020

Date of Decision: 11.08.2020

Gursewak Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Varinder Basa, Advocate,
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.02 dated 07.01.2020, registered at Police Station Gharinda, District Amritsar, under Sections 21, 23 and 25 NDPS Act, 1985, Sections 411, 414, 120-B IPC and Section 25 of the Arms Act, 1959.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR and that he alongwith nine other persons has been indicted as an accused on the basis of disclosure statement suffered by one of the co-accused. The learned counsel further contends that there is only allegation against the petitioner that he had actively participated in smuggling from Pakistan, but nothing has been recovered from him. He further contends that similarly situated co-accused, Harpreet Singh, has

CRM-M-20846-2020

been granted *ad interim* pre-arrest bail vide order dated 06.03.2020 passed in CRM-M-10037-2020.

On the other hand, learned State counsel opposes the prayer made in the present petition. However, he does not dispute the fact that no recovery has been effected from the petitioner and co-accused, Harpreet Singh has been granted *ad interim* pre-arrest bail.

I have heard the learned counsel for the parties.

The petitioner has been indicted as an accused on the basis of statement of one of the co-accused and no recovery has been effected from him. Charges are yet to be framed. The petitioner has been in custody since 25.01.2020. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

Nothing stated hereinabove shall be construed as an expression of opinion on merits of the case.

11.08.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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