

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

Crl. Misc. M-23726 of 2020
Date of decision: 27.08.2020

217

Sukhwant Singh @ Sukha

....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

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

Present: Mr. PBS Goraya, Advocate,
for the petitioner.

Mr. Hitten Nehra, Addl. A.G., Punjab.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks regular bail in a petition filed under Section 439 Cr.P.C. in FIR No. 53 dated 01.03.2020 under Sections 21, 25, 29, 61 and 85 of the NDPS Act, 1985, P.S. Maqboolpura, District Amritsar.

Counsel for the petitioner submits the petitioner was arrested on 03.07.2020 on the basis of disclosure statement of co-accused Prabhdeep Singh @ Prabh, who had been named in the FIR dated 01.03.2020 on the basis of secret information and arrested at that point of time. It is accordingly submitted that a similar co-accused Gurwinder Singh was also nominated as accused on the basis of the statement of the main accused Prabh Deep Singh and he was taken into custody on 11.03.2020. The said person has been granted the benefit of regular bail in Crl. Misc. M-14464 of 2020 on 24.07.2020, keeping in view the fact that it would be a moot point

whether he would be liable to be convicted on the statement of the co-accused which has to be gone into by the Trial Court.

Resultantly, this Court is of the opinion that the petitioner is also similarly placed as the said co-accused and, therefore, is entitled for the benefit of regular bail as the possession of contraband was from Prabhdeep Singh of 300 grams of heroin. Merely because earlier FIR No. 2 dated 09.01.2020 has been registered under Section 21 of the NDPS Act would, as such, not detain this Court from granting bail since it is pointed out that the recovery was only of 20 grams of heroin. The present FIR has been lodged two months later, as noticed, and the petitioner has been nominated on the statement of the co-accused which can be at the instance of police officials.

Accordingly, the petition is allowed. The petitioner be released on bail to the satisfaction of the Illaqa Magistrate/Duty Magistrate, Amritsar.

27.08.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No