

GURMUKH SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail with regard to the case registered by FIR bearing No. 173 dated 07.01.2018 registered at Police Station Phillaur, District Jalandhar Rural under Section 21(c) of the Narcotics Drugs & Psychotropic Substances Act, 1985.

The FIR was registered on the basis of a secret information to the effect that the petitioner alongwith his mother, namely Kamaljit are indulging in the sale of 'Heroin' and have brought a consignment few days ago. Out of the said consignment, some part has been sold and they are still in possession of the 'Heroin'. In pursuance of the information, a raid was conducted and petitioner alongwith his mother were seen, while going on a motorcycle. They were signaled to stop, and then they threw the packet and slipped away. From the search of the packet, it led to the recovery of 400 grams of 'Heroin' and cash amounting to Rs.2 lacs. Subsequently, in pursuance of the statement given by Kamaljit, the mother of the petitioner, a sum of Rs. 6 lacs was also recovered from her house.

It has been stated on behalf of the petitioner that he was not arrested

from the spot and the cash amount was with regard to the earnest money received by his father, in terms of an agreement to sell dated 25.06.2018. The arrest of the petitioner was effected on 04.07.2018 and only four out of 13 witnesses have been examined till date. Furthermore, similarly placed co-accused Kamaljit i.e. mother of the petitioner has already been granted the bail by a Co-ordinate Bench of this Court vide order dated 23.07.2019 in CRM-M-29213-2019.

Learned State counsel on instructions from ASI Kulwinder has not disputed the factual position but has only asserted that two more cases under NDPS Act have been registered against the petitioner herein.

Faced with this situation, it has been pointed out on behalf of the petitioner that he has been released on bail in one of the cases. Be that so, the case of the petitioner is at par with the co-accused Kamaljit whose arrest was simultaneously effected with the petitioner and was released on bail about five months ago.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

24.01.2020
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(VIVEK PURI)
JUDGE

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