

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-40882-2019 (O&M)
Date of Decision:- 20.1.2020

Surinder Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gursimran Singh Bawa, Advocate, for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Surinder Kumar has approached this Court seeking grant of regular bail in a case registered vide FIR No.28, dated 26.4.2019, registered at Police Station Special Task Force, District STF Wing (SAS Nagar), Phase IV, Mohali, under Section 21 NDPS Act.
2. The FIR was lodged on the basis of secret information received to the effect that Surinder Kumar (petitioner), Rahul @ Raghu and Saraj Singh @ Mintu, who are all confined in Central Jail, Amritsar, have formed a group with Harpreet Singh @ Happy who had recently been released from jail, Gurpartap Singh, Neha wife of the petitioner and Raju and who all have links with Pakistani smugglers through mobile

phone and internet for the purpose of smuggling. The secret information was further to the effect that three of them namely Harpreet Singh, Gurpartap Singh and Neha were supplying 'heroin' and in case a raid is conducted they could be caught red handed along with heavy recovery of 'heroin'.

3. It is further the case of prosecution that pursuant to the aforesaid information barricading was held on Majitha Road, Amritsar and Harpreet Singh and his brother Gurpartap Singh were caught while travelling on a motorcycle and 300 grams of 'heroin' was recovered from them.
4. Learned counsel for the petitioner has submitted that when the alleged recovery was made he was admittedly confined in jail and is sought to be implicated on the allegation that he along with other co-accused were working together in a group for the purpose of smuggling contraband. It has further been submitted that there is no credible evidence to connect him with the alleged recovery and that in these circumstances he deserves the concession of bail.
5. The learned State counsel while opposing the petition has submitted that since the petitioner is specifically named in the FIR and in fact recovery has been effected from his co-accused and also bearing in mind the credentials of the petitioner who is involved in two other identical cases, no case for grant of bail is made out.
6. I have considered rival submissions addressed before this court. Having regard to the facts and circumstances of the case especially the fact that when the alleged recovery was effected, the petitioner

was confined in jail, his complicity in the present case would be debatable. The petition, as such, is accepted and petitioner-Surinder Kumar is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

January 20, 2020

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No