

CRM-M-21467-2021

Date of decision: 28.05.2021

Sukhwinder Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Nitin Narula, Advocate
for the petitioner.Mr. Luvinder Sofat, AAG, Punjab
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The petitioner/accused-Sukhwinder Singh, who is an accused in a case bearing FIR No.0086 dated 05.05.2021 under Section 21 of the NDPS Act registered at Police Station Kathu Nangal, Amritsar Rural, District Amritsar, has come up in this bail petition under Section 438 Cr.P.C. for grant of anticipatory bail.

The brief allegations against the petitioner are that on 05.05.2021, the police apprehended one, Gurwinder Singh and from his possession, 04 grams of heroin is alleged to have been recovered. The allegations against the petitioner-Sukhwinder Singh are that he is the supplier of the contraband which has come about on the statement of Gurwinder Singh, so apprehended.

The learned State counsel has strongly opposed the bail on the grounds of heinousness of the offence and learned counsel for the petitioner has submitted that there is no semblance of evidence against the petitioner except statement of his co-accused which is inadmissible.

Admittedly, recovery has already been effected from the co-accused-Gurwinder Singh. The very legality of statement of co-accused against the petitioner and its acceptability is subject matter of trial. Moreover, nothing is to be recovered at this stage, from the petitioner and his joining investigation would suffice the purpose.

In view of the above, the present petition stands allowed and the petitioner is directed to appear before the Investigating Officer within a period of 15 days, in which event he be admitted to bail to the satisfaction of the Investigating Officer.

The petitioner shall, however, appear as and when called for and shall also abide by the conditions specified under Section 438 (2) Cr.P.C.

The petition stands disposed off accordingly.

28.05.2021
Neha

(FATEH DEEP SINGH)
JUDGE

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