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

(Through Video-conferencing)

**CRM-M No.29756 of 2019(O&M)
Date of Decision: 13.09.2021**

Hardeep Singh @ Hardeerp Kumar @ Deepak

.....Petitioner

**Vs
State of Punjab**

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. K.S. Sandhu, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl., A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.132 dated 05.04.2018 registered under Section 22 of the NDPS Act at Police Station Basti Jodhewal, District Ludhiana.

As per allegations in the FIR, accused Shamsheer Singh was arrested on suspicion and 2 kg of heroin was recovered from his possession.

Learned counsel for the petitioner submits that

Shamsher Singh is in custody and he is a Psychiatric patient. As per sickness report submitted by the Senior Medical Officer, Central Jail, Ludhiana, Shamsher Singh is suffering from Psychiatric illness, for which, his counselling is advised. Learned counsel further submits that the petitioner has been nominated on the basis of disclosure statement of co-accused Shamsher Singh. No recovery has been effected from the petitioner. Petitioner was arrested on 12.06.2018. Challan has already been submitted. At the time of recovery of 2 kg of heroin from co-accused Shamsher Singh, 2 railway tickets were recovered from his personal search. Railway tickets were in respect of going from Delhi to Ludhiana. Co-accused Shamsher Singh had disclosed that one of the tickets was for the petitioner. On that premise, the petitioner was implicated on the basis of disclosure statement of co-accused, who is *prima facie* found to be mentally retarded person.

The factual position of the case is not in dispute, however, learned State counsel opposed the bail on the ground that that recovery effected from the co-accused is commercial in nature and the petitioner has been implicated on the basis of disclosure statement of co-accused from whose personal search one of the tickets belonging to the petitioner was recovered. The co-accused and the petitioner were

operating in tandem.

Having heard learned counsel for the parties, the complicity of the petitioner on the basis of disclosure statement of co-accused and prior meeting of mind between them would remain debatable and would be dependent upon the quality of evidence to be led by the prosecution during trial. Petitioner is in custody since 12.06.2018. Challan has already been submitted. No prosecution witness has been examined.

In view of allegations, custody of the petitioner and situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail without advert to the merits of the case,.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

13.09.2021

Prince

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No