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

**CRM-M-6298 of 2022(O&M)
Date of Decision: 18.04.2022**

Sucha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Piyush Sharma, Advocate
For the petitioner.**

Ms. Samina Dhir, DAG Punjab.

KARAMJIT SINGH, J.

Custody certificate has been filed today in Court, which is taken on record.

The present petition has been filed under Section 439 Cr.P.C. by the petitioner seeking regular bail in FIR No. 93 dated 10.08.2021, registered under Sections 21 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Kulgarhi, District Ferozepur.

Counsel for the petitioner has submitted that no recovery of contraband was effected from the petitioner who is in custody since 18.08.2021. He further submitted that investigation has been completed but it will take time for conclusion of the trial which is yet to begin. He has further contended that Sagar, on whose disclosure the petitioner was nominated as accused and has been facing similar allegations, has since

been released on regular bail by this Court vide order dated 03.03.2022 passed in CRM-M-54406 of 2021.

On the other hand, counsel for the State submitted that in the present case, 500 grams of Heroin was recovered from co-accused Shinder Pal, Sandeep Kumar and Wilson while they were traveling in one car. She admitted that on the basis of disclosure made by the aforesaid persons, one Sagar was arrested. During interrogation, Sagar disclosed the name of the present petitioner and accordingly present petitioner was nominated as an accused and he was arrested on 18.08.2021. She further admitted that Sagar has been released on regular bail by this Court. However, State counsel while referring to the custody certificate of the petitioner submitted that he is also facing trial in nine other criminal cases and as such he is not entitled to grant of regular bail in the present case.

I have considered the submissions made by the counsel for the parties.

Admittedly, the petitioner was not arrested from the spot from where 500 grams of Heroin was stated to have been recovered from the possession of co-accused Shinder Pal, Sandeep Kumar and Wilson. It is not the case of the prosecution that the petitioner escaped from the place of recovery. Counsel for the State has not denied the fact that actually, no recovery was effected from the possession of the petitioner, who is in custody since 18.08.2021.

The investigation has already been completed in the present case and co-accused Sagar has been granted concession of regular bail

by this Court vide order dated 03.03.2022. In all the other criminal cases, the petitioner is stated to be on bail.

Having regard to the facts and circumstances of the case and that the petitioner has been nominated as accused solely on the basis of disclosure statement, without adverting to the merits of the case, the present petition is hereby allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

18.04.2022

Jiten

**(KARAMJIT SINGH)
JUDGE****Whether speaking/reasoned : Yes/No****Whether reportable : Yes/No**