

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

**Criminal Misc. No.M-39278 of 2021(O&M)
Date of Decision: March 09, 2022**

Sourav Partap @ Sunny

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.R.Kartikeya, Advocate
for the petitioner.

Mr.V.G.Jauhar, Sr.DAG, Punjab.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.117 dated 07.05.2018 under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Gate Hakima, Amritsar.

The case of the prosecution is that a secret information was received by Inspector Vavinder Kumar, Incharge, Cyber Crime and Technical Cell, Amritsar that Sunny Partap Singh @ Sunny (petitioner) who was then confined in some jail in Punjab, had placed an order for huge consignment of 'heroin' from Delhi and that the same has been sent through some worker of Sunny to Arrick @ Kanni, r/o Guru Nanak Nagar, Gate Hakima, Amritsar and Sarwan Singh @ Baga r/o Waryam Singh Colony, Gate Khazana, Amritsar. It was also stated that Arrick @ Kanni was suffering from Leucoderma. It was further informed that the two have already sold some 'heroin' and have kept the remaining in their rented

house.

Believing the information to be true, a raid was conducted on the houses of Arrick @ Kanni and Sarwan Singh @ Baga. On search, one green coloured plastic bag marka Sallor LONG GRAIN MAZZA RICE Net weight 40 Kgs was found from box bed. 8 packets containing heroin were found in the bag the total weight whereof was 8 Kgs.

Ld. counsel for the petitioner contends that the petitioner has been falsely implicated in the case. Even as per the prosecution at the time of alleged recovery/registration of the instant FIR i.e. on 07.05.2018 the petitioner was in custody. He thus had no concern with the alleged recovery. The application for obtaining production warrants of petitioner and co-accused Kunwarbir Singh was moved after five months of the registration of the FIR i.e., on 6.10.2018. Thereafter, he was arrested in the present case. However, no recovery was made from him or on his disclosure.

In view of the above, without expressing any opinion on the merits of the case, this petition is allowed. The petitioner-Sourav Partap @ Sunny is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

March 09, 2022

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No