

2023:PHHC:115708

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM M-42434 of 2023
Date of Decision: 04.09.2023

Surinder Singh @ Sou

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Simranjot S. Nagra, Advocate, for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.104 dated 08.06.2023 registered under Sections 18(b), 27(a), 25 and 29 of NDPS Act at Police Station Dinanagar, District Gurdaspur.

2. Learned counsel for the petitioner contends that as per the story of the prosecution, Nishan and Manjit Singh were arrested from the spot and from their search, 800 grams of opium was recovered from Nishan Singh whereas an amount of Rs. 17,200/- was recovered from Manjit Singh. Learned counsel further contends that the petitioner was not named in the present FIR nor he was present at the spot. However, during the course of investigation, both the accused had suffered their respective disclosure statements, wherein, they stated that some opium was yet to be delivered to the petitioners.

Learned counsel further relies upon the order dated 17.07.2023 passed

by this Court, in CRM M-33927 of 2023, whereby, Sarpreet Singh @ Ladda, similarly placed co-accused was granted the concession of interim anticipatory bail by this Court.

3. Learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that two more FIRs under IPC/Arms Act have already been registered against the present petitioner. However, it is not in dispute that the petitioner is on bail in the said cases.

4. I have heard learned counsel for the parties and perused the record.

5. It is not in dispute that the petitioner is in custody since 09.07.2023 and nothing has been recovered from the petitioner. A similarly placed co-accused, namely, Sarpreet Singh @ Ladda has already been granted the concession of interim anticipatory bail by this Court in CRM M-33927-2023.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

04.09.2023
amit rana

(N.S.SHEKHAWAT)
JUDGE

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