

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

CRM No.M-1010 of 2015 (O&M)

Date of decision: 02.02.2015

Harmit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. H.S. Dhandi, Advocate,
for the petitioner.

Mr. Mehardeep Singh, DAG, Punjab
assisted by ASI Gursewak Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.144, dated 05.09.2012, registered under Section 15 of the the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sadar Khanna, District Ludhiana.

The learned counsel for the petitioner contends that the petitioner was not arrested from the spot. In fact, he was taken into custody from his house on the next day and recovery of alleged five bags containing 40 kg of poppy husk was implanted upon him. The father of the petitioner is a sarpanch of the village and did not

support the ruling MLA in election, therefore, he has been falsely implicated at the behest of the local MLA. The petitioner is in custody since 07.09.2012.

On the other hand, the learned State counsel, on instructions, submits that there are specific allegations against the petitioner. The petitioner was following the canter from which the 640 kg of poppy husk was recovered. He was sitting on the canter and on seeing the police, he alighted from the canter and boarded the alto car which was following the canter. The assertion of false implication at the behest of local MLA is just to get the sympathy of the Court. Out of total 14 witnesses, three have been examined.

Keeping in view the facts that the petitioner was not arrested from the spot; he is not involved in any other FIR and in custody since 07.09.2012; out of total 14 witnesses only three have been examined so far, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future. Therefore, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing a specific affidavit that he will not indulge in such activities in future and on furnishing bail bonds/surety bonds, to the satisfaction of the trial Court.

02.02.2015

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(JITENDRA CHAUHAN)
JUDGE