

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

CRM-M-13871 OF 2015
Date of Decision: 03.11.2015

BINDER @ BALWINDER

. . . Petitioner

Versus

STATE OF PUNJAB

. . .

Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. P.P.S. Duggal, Advocate
for the petitioner.

Mr. Gazi Mohammad, DAG, Punjab.

M.M.S. Bedi, J. (Oral)

In view of the fact that petitioner was not arrested from the spot and that he was on interim bail in another case of having in his possession poppy husk in which the petitioner had been granted interim bail, the petitioner can be granted pre-arrest bail in this case.

So far as the allegations of the State that he is involved in 15 other cases is concerned, all those cases appear to be under Excise Act and it has been informed that he has been acquitted in almost all the cases.

CRM NO.M-13871 OF 2015

The identity of the petitioner would be a debatable issue in the present case, as the petitioner was not arrested along with the bags of poppy husk. From the police record it has also appeared that petitioner has fracture on his right foot. Whether he could escape by running in presence of police party in such a situation would also be fairly appreciated during the course of trial.

Taking into consideration the fact that the petitioner is in custody from 23.07.2014, petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court subject to the condition that he will not commit any similar offence of which he is accused of during pendency of the trial. In case of any such eventuality, this bail order will be liable to be cancelled on an application filed by the prosecution agency.

[M.M.S. BEDI]
JUDGE

03.11.2015
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