

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

CRM-M No.14721 of 2015

Date of Decision: 20.08.2015

Tilak Raj

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Sudhir Sharma, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent along with HC Baljinder Singh.

JASWANT SINGH, J. (Oral)

The prayer is for grant of regular bail in case FIR No.114 dated 16.12.2014, under Section 21/22 of the N.D.P.S. Act, registered with Police Station Division No.1, City Pathankot.

As per the allegations in the FIR, 400 grams of intoxicating powder containing 0.29% of Alprazolam was recovered from his person.

The petitioner is stated to be in custody since 16.12.2014 and the trial is at the stage of recording of prosecution evidence.

Learned Counsel for the petitioner submits that there is no other case under the NDPS Act against the petitioner.

By referring to the photographs downloaded from CCTV Cameras of the adjoining shop indicating the petitioner being escorted by the police on the date of occurrence between 6:43 PM to 6:53 PM, it is contended that a false case has

been foisted upon the petitioner of recovery and arrest at the spot.

In the reply filed by the DSP, Pathankot, it is not denied that the petitioner was picked up by the police, however, it has been stated that subsequently, he was released.

Learned State Counsel, on instructions from HC Baljinder Singh, concedes that this Court, vide order dated 14.08.2015 passed in CWP No.8870 of 2015, on the allegations against the police and prayer for fair investigation, has transferred the case to adjoining district Jalandhar.

Without commenting upon the merits of the case, keeping in view the custody period and the facts of the case as noticed above, this Court finds that petitioner/accused-Tilak Raj deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate, Pathankot.

Disposed of.

August 20, 2015
Gagan

(JASWANT SINGH)
JUDGE