

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

CRM-M-18277-2015

Date of decision: 06.08.2015

Dharminder Kumar @ Bhinda

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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

Mr. K.D. Sachdeva, Addl. AG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.88 dated 17.07.2013 under Sections 15, 25 of NDPS Act, registered at Police Station Bilga, District Jalandhar.

Learned counsel for the petitioner submits that petitioner was neither owner nor driver of the truck in question. He was engaged only for that day from the truck union, because of which the petitioner was not even aware as to what goods were loaded in the truck. In this view of the matter, petitioner has been falsely implicated. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Surinder Singh, Police Station, Bilga, District Jalandhar, submits that petitioner has been found operating on the same truck earlier also. His name was very much mentioned by the secret informer. The truck and the accused were apprehended on the basis of secret information and petitioner

was arrested at the spot, because of which he cannot claim innocence. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the given fact situation of the case, petitioner has not been found entitled for the concession of bail pending trial. It is so said because the contentions raised by learned counsel for the petitioner that petitioner was engaged only for that day from the truck union has not been found factually correct. Further, name of the petitioner was mentioned by the secret informer on the basis of which petitioner was apprehended at the spot.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, no case for bail pending trial is made out.

Dismissed.

[RAMESHWAR SINGH MALIK]
JUDGE

06.08.2015
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