

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

CRM No. M-21160 of 2015 (O&M)

Date of Decision: 10.07.2015.

Kashmir Singh @ Kalu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Gurbachan Dass, Advocate for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

....

TEJINDER SINGH DHINDSA.J.

Petitioner seeks the benefit of regular bail pending trial in case FIR No.49 dated 22.05.2014, under Section 22 of the NDPS Act and Section 25 of the Arms Act, registered at Police Station Mehna, District Moga.

Counsel for the parties have been heard.

The alleged recovery of 2200 tablets of phenotil and 16 capsules of Parvon Spas as also six injections was made from the premises of a house belonging to Balram Singh. Present petitioner has been sought to be implicated in the present case on the basis of a confessional statement recorded of the petitioner himself before the police authorities.

The petitioner has been in custody since 28.05.2014. Strangely, Balram Singh, who owned the residential premises from where recovery was effected has not even been treated as a suspect by the Investigating Agency.

Learned State counsel upon instructions from ASI Sukhjinder

Singh would concede that the petitioner is not involved in any other case under the NDPS Act.

Under such circumstances, false implication of the petitioner cannot be ruled out.

The trial is stated to be at the very initial stage and would take time to conclude.

Accordingly, petitioner is held entitled to the concession of bail. Petition is allowed. Petitioner, Kashmir Singh @ Kalu be enlarged on bail subject to satisfaction of the CJM/Duty Magistrate, Moga.

It is made clear that observations made in this order are confined only as regards considering the prayer of the petitioner for grant of regular bail and would have no bearing on the merits of the trial.

Disposed of.

10.07.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**