

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Crl.Misc.No.M-22494 of 2015

Date of Decision:10.12.2015

Basant Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY.

- 1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No**
- 2. To be referred to the Reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

**Present: Mr.Jasjit Singh Bedi, Senior Advocate,
with Mr.Sonpreet Singh Brar, Advocate,
for the petitioner.**

Ms.Ritu Punj, Addl.A.G., Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. on behalf of the petitioner-Basant Singh for grant of regular bail in case FIR No.24 dated 05.03.2014, under Sections 15 & 25 of the NDPS Act registered at Police Station Nathana, District Bathinda.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case as FIR was registered against some unknown persons. The petitioner has been implicated being owner of the tractor, whereas, recovery was got effected from the trolley and the petitioner does not have any trolley. Even the name of the owner of the alleged trolley has not been mentioned. As per allegations in the FIR, the petitioner has been shown to have run away from the place of occurrence in the presence of eight police officials. The petitioner is about 69 years old and he cannot jump from such a height that too after crossing over the trolley. He also submits that all witnesses are official witnesses and there is no possibility that the petitioner may influence them.

Learned counsel further submits that the petitioner is behind the bars since 08.04.2014, no other case of NDPS Act is pending against him and trial may take long time to conclude.

Learned State counsel has not disputed the custody period and also the fact that no other case of NDPS Act is pending against the petitioner.

It is the case of the prosecution that he was not arrested at the spot as he has been shown to have run away from the place of occurrence in the presence of eight police officials. It has also not been disputed that the petitioner is 69 years old.

Keeping in view the submissions made by learned counsel for the petitioner that the petitioner is in custody since 08.04.2014; all witnesses are official witnesses and there is no possibility to influence them; the trial may take long time to conclude and no useful purpose would be served by keeping him in custody and moreover, he was not arrested at the spot, the present petition is allowed. The petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court, subject to the condition that no other case of NDPS Act is pending against him.

It is made clear that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case during trial.

(DAYA CHAUDHARY)
JUDGE

December 10, 2015
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