

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-24765 of 2015 (O&M)

DATE OF DECISION: 03.12.2015

Bagicha Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether reporters of local newspaper may be allowed to see judgment? (Yes/No)
2. To be referred to reporters or not? (Yes/No)
3. Whether the judgment should be reported in the Digest? (Yes/No)

Present:- Mr. GN Malik, Advocate
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

DAYA CHAUDHARY, J.

Crl. Misc. No. 38807 of 2015

This application has been filed for placing on record Annexure P-4.

Application is allowed and Annexure P-4 is taken on record.

Crl. Misc. No. 24765 of 2015

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 94 dated 29.9.2010 registered under Section 15 of the NDPS Act at Police Station Mehna, District Moga.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case, whereas, he was not intercepted

and arrested at the place of occurrence. As per allegations in the FIR, the petitioner has been shown to have run away from the place of occurrence by leaving his vehicle and subsequently he was identified by HC Baljinder Singh. The petitioner has been shown to be the driver of the said vehicle and seven bags of poppy husk containing 35 kgs each have also been shown to have recovered from the said vehicle. Learned counsel further submits that the car does not belong to the petitioner and he does not know how to drive a car. Neither the statement of owner of the car has been recorded nor it has come in the investigation as to how the petitioner was having possession of that car and how he was able to have run away from the place of occurrence in the presence of a team of the police officials. Learned counsel also submits that the petitioner was found innocent during the inquiry conducted by SP (D) Moga, wherein, a direction was issued to declare him innocent but still he has been implicated. The petitioner is in custody for the last more than one year and all the prosecution witnesses are official witnesses and there is no possibility that the petitioner may influence them.

Learned counsel for the respondent-State opposes grant of bail to the petitioner on the ground that the petitioner is convict in two more cases of NDPS Act and the recovery is commercial.

Heard the arguments advanced by learned counsel for the parties and have also gone through the allegations in the FIR and other documents available on the file.

Keeping in view the submissions made by learned counsel for the petitioner and also the fact that initially in the inquiry conducted by SP (D), Moga, he was found innocent; as per allegations in the FIR, he has been shown to have run away from the place of occurrence and recovery has been shown to have been effected from the vehicle which belong to

some other person; the petitioner is in custody for the last more than one year; all the prosecution witnesses are official witnesses and there is no possibility that the petitioner may influence them, the present petition is allowed. Petitioner-Bagicha Singh is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

However, the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case during trial.

December 03, 2015
pooja

(DAYA CHAUDHARY)
JUDGE