

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

CRM-M-27382 of 2015(O&M)

Date of decision : 25.08.2015

Jaswant Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Parminder S. Sekhon, Advocate for the petitioner.

Mr. Arun Luthra, AAG, Haryana
assisted with SI Raghbir Singh

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.637 dated 07.12.2013, registered under Sections 15/27A/61/85 of the Narcotic Drugs and Psychotropic Substances Act, (for short, 'the NDPS') at Police Station Ratia, District Fatehabad

The learned counsel, inter alia, contends that the petitioner was not arrested from the spot and he has been falsely implicated being a nephew of co-accused Pohla Singh @ Poli who was also at one point of time had been declared innocent. The petitioner is not involved in any other FIR registered under NDPS Act. The petitioner is in custody

since 02.07.2015 and challan stands filed.

Learned counsel further submits that out of the 22 prosecution witnesses none has been examined so far. He refers to inquiry report dated 09.01.2014 (Annexure P2) conducted by the DSP, Tohana, wherein it has been recorded that the incriminating evidence collected only against Krishan Kumar and the petitioner along with Pohla Singh were allowed to leave. Subsequently thereto another inquiry dated 30.01.2014 (Annexure P3) was conducted by the DSP, Tohana whereby it was recorded that no offence is made against Pohla Singh and the petitioner. Further, the petitioner remained under the benefit of grief as he has been finally exonerated. However, at the back without service upon the petitioner, he was declared proclaimed offender and while the petitioner was going to the Court for surrender he was taken into custody on 02.07.2015 by the police from the close boundary of the Court.

On the other hand, the learned State counsel opposes the bail and states that the petitioner had been declared proclaimed offender. The recovery in question is commercial in nature. The secret information was received qua him and co-accused Pohla Singh. The petitioner was not arrested from the spot. During the inquiry (Annexure P2 and P3) conducted by the DSP, Tohana, no incriminating evidence was collected against the petitioner. The challan stands presented and out of 22 witnesses, none has so far been examined

I have heard learned counsel for the parties and perused the record.

Therefore, it can be safely inferred that the trial is not likely to be concluded in the near future.

In view of above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on her furnishing bail bonds/surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

25.08.2014

ashok

**(JITENDRA CHAUHAN)
JUDGE**