

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

CRM No.M-31108 of 2015

Date of decision: 29.09.2015

Denial Masih

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Ranjan Lakhanpal, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.07, dated 08.01.2015, registered under Section 21 of NDPS Act and Section 25 of Arms Act, at Police Station Phillaur, District Jalandhar.

It is contended that the petitioner has been falsely implicated in the instant case. Initially 5 grams of smack was recovered from the petitioner and subsequently, on the basis of his disclosure statement, another 300 grams of intoxicant powder, which as per chemical examiner report contained the salt of alprazolam, was allegedly recovered. He further states that there is a history of torture of the petitioner by the police. In fact the petitioner

approached this Court vide CRM-M No. 17115 of 2006, in which on the directions of this Court, the petitioner was medico-legally examined at PGIMER, Chandigarh. On the basis of the report, police officials who had tortured the petitioner were placed under suspension and action was initiated against them. The petitioner has been falsely implicated in 12 other cases, out of which, he stands acquitted in six of them. The co-accused of the petitioner Aslam has already been granted the concession of regular bail by the trial Court. The petitioner is in custody since 08.01.2015.

On the other hand, the learned State counsel opposes the prayer of bail and states that the petitioner is a habitual offender. The challan stands presented; charges have been framed and out of total 10 witnesses, one witness has been examined.

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

Keeping in view the facts on record, the false implication of the petitioner cannot be ruled out at this stage. Moreover, the co-accused of the petitioner, namely Aslam, has already been enlarged on regular bail by the trial Court. The challan stands presented; out of total 10 witnesses, only one witness has been examined so far, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future, 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 his furnishing bail bonds and 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.

29.09.2015

sumit.k

(JITENDRA CHAUHAN)
JUDGE