

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH****CRM-M-32113-2014**
Date of decision:21.07.2015

Sonu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

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

Mr. K.D.Sachdeva, Addl. A.G., Punjab.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks bail pending trial in FIR No.130 dated 2.9.2012 registered under Sections, 15, 25, 61 and 85 of NDPS Act, at Police Station, Sidhwan Bet, District Ludhiana.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. He submits that the story put forth by the prosecution is highly improbable. Referring to the statement dated 6.4.2015 of Nirbhai Singh (PW-1), he submits that in the absence of any receipt regarding sale of vehicle to the petitioner, there was no scope for alleging that it was the petitioner who was driving the said vehicle, i.e. Tara Safari bearing Registration No. HR-16-C-7727. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Mahesh Kumar, Police Station, Sidhwan Bet, District Ludhiana, submits that petitioner was found involved in another case. Though he has

been acquitted in the said case but so far as the present case is concerned, Nirbhai Singh (PW-1) has duly supported the prosecution version, which clearly makes out a case against the petitioner. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the given fact situation of the instant case under the peculiar facts and circumstances of the case noticed hereinabove, petitioner has not been found entitled for bail pending trial. It is so said, because the statement suffered by Nirbhai Singh (PW-1) would show that he sold the vehicle, i.e. Tata Safari, to the petitioner. Only because of absence of any receipt would not be sufficient for giving a clean chit to the petitioner. Heavy recovery from the vehicle is also a matter of record. Petitioner has been identified by PW-1 as well as by other police officials.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, no case for bail pending trial is made out.

Dismissed.

21.07.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE