

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-32427 of 2014

DATE OF DECISION: 09.01.2015

Kuldeep 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?**
- 2. To be referred to reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present:- Mr. A.S. Sivia, Advocate
for the petitioner.

Mr. T.N. Sarup, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.

The present petition under Section 439 Cr.P.C. has been filed for grant of regular bail to the petitioner in case FIR No. 71 dated 25.4.2013 registered under Sections 22/61/85 of NDPS Act at Police Station Dehlon, District Ludhiana.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case, whereas, he was not involved. Learned counsel further contends that the petitioner is in custody since 25.4.2013 and challan has also been presented and out of total 13 witnesses, 7 witnesses have already been examined. Learned counsel also contends that there is no possibility to influence the witnesses as all the witnesses are official witnesses. It is also the contention of learned

counsel that the petitioner was pillion rider and co-accused, who was driving scooter has been shown to have run away in the presence of the investigating officer, who was in the private vehicle along with the raiding party.

During pendency of this petition, vide order dated 29.10.2014, Investigating Officer was directed to file his affidavit to explain as to how the co-accused of the petitioner, who was driving the scooter was able to run away in the presence of five police officials.

Learned State counsel has not disputed the custody period and also the stage of the trial but he is not able to explain as to how the Investigating Officer was using the private vehicle as neither any permission was sought to use the private vehicle nor any entry had been made in this regard. The conduct of the Investigating Officer appears to be doubtful as neither any permission was sought for using private vehicle nor any entry has been made in the record for using private vehicle. Similarly, it does not appear to be worth believing that out of two persons going on scooter, the driver of the scooter was successful in running away from the place of occurrence in presence of Investigating Officer who was having his own vehicle and by leaving the scooter with the pillion rider

In view of the above, since the petitioner is in custody from 25.4.2013 and only seven witnesses have been examined so far and trial will take long time to conclude and also the fact that no other case of NDPS Act is pending against him, the petition is allowed. Petitioner-Kuldeep Singh is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

January 09, 2015
pooja

(DAYA CHAUDHARY)
JUDGE