

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-35859 of 2015

Date of decision : October 30, 2015

Balwinder Singh @ Fauji

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. RK Gupta, Advocate, for the petitioner
Mr. C.S.Brar, DAG, Punjab

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Balwinder Singh alias Fauji in this regular bail application under section 439 Cr.PC. are that on 7.2.2014, on the basis of secret information the present case was registered and that subsequent thereto from Truck No. PB-10-DZ-0181 contraband comprising of opium weighing 21 kgs. 500 grams was recovered leading to arrest of Sardar Mohd., Jagdeep Singh and Salim Mohd.

The contentions of counsel for the petitioner are that only semblance of evidence is the statement of co-accused as to the role of the petitioner Balwinder Singh for the commission of crime. Learned State counsel on instructions from SI Jagjit Singh has squarely accepted the fact that nothing has come in the investigation against the present petitioner

except statement of the co-accused. The culpability if any shall be determined at the time of trial. Having regard to the fact that the petitioner is in custody since 7.2.2014 and the trial is not likely to be concluded in near future and no purpose will be served by retaining the petitioner in jail. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Sangrur.

The present petition stands disposed off accordingly.

October 30, 2015
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(Fateh Deep Singh)
Judge