

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 39229 of 2015
Date of decision:30.11.2015

Satpal Singh @ Satti

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. L.S Mann, Advocate,
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab
for the respondent-State

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.98 dated 13.06.2014 registered under Section 15/25/29 NDPS Act and Section 420 IPC (added later on) at Police Station Ghall Khurd, District Ferozepur.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case. As per allegations in the FIR, the petitioner has been shown to have jumped out from the canter after taking advantage of the darkness and three co-accused were apprehended at the spot, who were found in possession of 33 quintal and 54 kg of poppy husk. Said co-accused have already been released on bail by giving benefit under Section 167(2) Cr.P.C. The petitioner was not apprehended at the spot and was arrested on 15.07.2015 and therefore he could not get the

benefit of Section 167 (2) Cr.P.C. Nothing is to be recovered from him. All the witnesses are official witnesses and there is no possibility that he can influence the police officials. No other case of NDPS Act is pending against him.

Learned State counsel has not disputed the custody period as well as the factum of release of co-accused under Section 167 (2) Cr.P.C and also the fact that the petitioner was not arrested at the spot.

In view of the submissions made by learned counsel for the petitioner and the fact that the co-accused, who were arrested at the spot have been enlarged on bail; the petitioner was arrested on 15.07.2015 and since then he is in custody; there is no other case of NDPS Act against him; there is no possibility that he may influence the witnesses as all are official witnesses; the trial may take long time to conclude and no purpose would be served by keeping the petitioner in custody, the petition is allowed. Petitioner, namely, Satpal Singh @ Satti is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

30.11.2015

PA

**(DAYA CHAUDHARY)
JUDGE**