

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc. No.M-40835 of 2014 (O&M)
Date of Decision: 12th January, 2015

Major Singh @ Meji

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: Hon'ble Mrs. Justice Daya Chaudhary

Present: Mr. M.S.Uppal, Advocate
for the petitioner.

Mr. R.S. Randhawa, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.(Oral)

Criminal Misc. Nos.849-50 of 2015

Allowed as prayed for.

Criminal Misc. No.M-40835 of 2014

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.33 dated 15.05.2014, registered under Sections 22, 61, 85 of NDPS Act at Police Station Sadar Budhlada, District Mansa during the pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has been implicated only on the allegation that he was shown to be driving the motorcycle and recovery was effected from a person who was sitting on the motorcycle. The petitioner is neither owner of the motorcycle nor was carrying any contraband.

He further submits that there is no case of NDPS Act pending against him, recovery has been effected from the co-accused and the present petitioner is in custody since 15.05.2014.

During pendency of this petition, copy of the challan was also placed on record.

On perusal of the challan, it has not been investigated as to how the present petitioner has been implicated with the offence, simply, it is mentioned that he was driving the motorcycle and the co-accused of the petitioner was carrying contraband in a bag and no connecting evidence is there. It has been admitted that the motorcycle belongs to co-accused of the petitioner. No other case of NDPS Act is pending against him and the challan has been presented and the case is now fixed for framing of the charges; all witnesses are official witnesses and there is no possibility that the petitioner can influence the witnesses, the petition is allowed and the petitioner is directed to be released on regular bail to the satisfaction of the trial Court.

12.01.2015
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(DAYA CHAUDHARY)
JUDGE