

In the High Court of Punjab and Haryana at Chandigarh

PARAMJIT KAUR SAINI
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CRM-M-41072 of 2014

Date of Decision: 14.01.2015

Balbir Singh

---Petitioner

versus

State of Punjab

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr.S.S.Siao, Advocate
for the petitioner

Mr. Gazi Mohammad, DAG, Punjab
for the respondent-State

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

REKHA MITTAL, J.

The petitioner prays for grant of regular bail in FIR No. 59 dated 6.6.2013 registered at Police Station, Boha, District Mansa for offence punishable under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short “the Act”)

Counsel for the petitioner contends that the petitioner was engaged as a driver by one Karamjit Singh son of Avtar Singh to drive his car and the said person obtained signatures of the petitioner on blank papers. Later, when the petitioner learnt about illegal activities of said Karamjit Singh, he gave up his job but the petitioner was being repeatedly called and threatened by said Karamjit Singh. The present false case has been got registered against the petitioner at the behest of said Karamjit

Singh and he was arrested in the case after six months of recovery. Another submission made by counsel is that the seal was handed over to one Head Constable but not to the public witness Inderjit Singh, allegedly present during recovery proceedings. In addition, it is submitted that owner of the vehicle from which the recovery has been effected has neither been arrayed as an accused nor cited as a witness.

Counsel for the State, on the other hand would submit that the petitioner has been charged for keeping in his possession 69 kgs of poppy husk without any permit or licence. The prosecution has already examined 07 out of 08 witnesses and the case is now fixed for 2.2.2015 for remaining evidence. Every effort would be made to ensure presence of that witness before the trial court on the date fixed and, therefore, the trial is likely to be concluded shortly.

I have heard counsel for the parties and perused the records.

It is a question of evidence to be led in defence if the petitioner has been indicted in the crime at the behest of abovesaid Karamjit Singh. There is nothing on record to suggest that the petitioner ever raised any grievance against Karamjit Singh for his having obtained his signatures on blank papers. The evidence of the prosecution is at its fag end as only one witness remains to be examined. Keeping in view provisions of Section 37 of the Act coupled with progress in trial, I do not think it to be a fit case wherein the petitioner deserves to be released on bail.

Dismissed.

(REKHA MITTAL)
JUDGE

14.01.2015
PARAMJIT