

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-42730 of 2014

DATE OF DECISION: 06.02.2015

Sikander 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. C.L. Verma, Advocate
for the petitioner.

Ms. Ritu Punj, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 108 dated 26.7.2012 registered under Section 15/25/61/85 of NDPS Act at Police Station Raikot, District Ludhiana.

Learned counsel for the petitioner contends that the petitioner was not found in conscious possession of the contraband and has falsely been implicated in the case only on the basis of secret information. The house from where the recovery was effected does not belong to the petitioner. Learned counsel further contends that nothing is to be recovered from the petitioner and he is in custody since 26.7.2012. One accused was

declared proclaimed offender and now he has been arrested and trial will take long time to conclude and no purpose would be served by keeping him in custody. Learned counsel also submits that no other case is pending against the petitioner.

Learned counsel for the respondent-State has not disputed the factum of custody, which is more than two years and six months and also the fact that no other case is pending against the petitioner under NDPS Act.

In view of the submissions made by learned counsel for the petitioner and also keeping in view the facts that no other case is pending against him; trial may take some time to conclude as one of the accused has been arrested now and no purpose would be served by keeping him in custody, the petition is allowed. Petitioner-Sikandar Singh is directed to be released on regular bail subject to his furnishing bail/surety bond to the satisfaction of the trial Court.

However, it is made clear that in case the petitioner is found to be involved in some other case of NDPS Act, the State is at liberty to move an application for cancellation of bail.

February 06, 2015
pooja

(DAYA CHAUDHARY)
JUDGE