

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-44092 of 2014

.....

Date of decision:23.1.2015

Karaj Singh

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Vivek Salathia, Advocate for the petitioner.

Mr. Varun Sharma, Assistant Advocate General, Punjab
for the respondent-State.

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.09 dated 19.3.2013 (Annexure-P.1) registered for the offences under Sections 307 and 34 IPC and Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the Act') at Police Station Khem Karan, District Tarn Taran.

Notice of motion has been issued in this case.

Mr. Varun Sharma, learned Assistant Advocate General, Punjab has put in appearance and accepted notice on behalf of the respondent-State.

I have heard learned counsel for the petitioner as well as

learned Assistant Advocate General, Punjab appearing for the respondent-State and have gone through the record.

Learned counsel for the petitioner argued that at the time of registration of the FIR of this case, the petitioner was in custody in some another case. He argued that the petitioner has been involved in this case only on the statement of co-accused. There is no other offence against him.

Learned counsel for the State contested this bail petition. A copy of bail order dated 16.10.2014 passed by this Court in Criminal Misc. No.M-24725 of 2014 has been placed on the record.

From the perusal of the averments made in this order shows that the present petitioner was stated to be behind the bar from 3.10.2012, which means that at the time of registration of the FIR of this case on 19.3.2013, he was in custody. The petitioner was not apprehended on the spot. Only he has been nominated in the present case on the statement of co-accused.

Therefore, keeping in view the facts and circumstances of the present case and in view of the fact that no recovery has been effected from the present petitioner in the present case, I find it a fit case where the petitioner is entitled to the benefit of bail.

The petitioner is in custody since 22.10.2013. The petitioner is not required for interrogation or investigation purposes as he is in judicial custody. Nothing is to be recovered from him. The trial of the case will take long time. No useful purpose will be served by keeping the

[3]

petitioner in custody till the final disposal of the case.

Therefore, keeping in view the facts and circumstances of the present case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bond in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Court.

January 23, 2015.

(Inderjit Singh)
Judge

hsp