

***IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH***

CRM No.M-5898 of 2015 (O&M)

Date of decision: 02.03.2015

Babu Ram @ Bau @ Bau Ram

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Salil Bali, Advocate for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

.....

TEJINDER SINGH DHINDSA, J.

The instant petition has been filed under Section 439 Cr.P.C. seeking regular bail to the petitioner in FIR No.245 dated 25.08.2014 under Sections 15/18/21/22/27-A/28/29/30 of the NDPS Act and Sections 42 and 52-A of the Prisons Act registered at Police Station City Ferozepur, District Ferozepur.

Counsel for the parties have been heard.

Concededly, it is a case of no recovery. FIR was registered on the allegation that smuggling, sale and purchase of intoxicants is being undertaken by the jail inmates in connivance with the jail authorities.

The petitioner has been in custody since 29.08.2014.

Learned State counsel would vehemently oppose the prayer for regular bail to the petitioner by submitting that the petitioner is a habitual offender and is involved in another matter i.e. FIR No.228 dated 11.08.2014 under Sections 21/61/85 of the NDPS Act registered at Police Station City Ferozepur.

Counsel appearing for the petitioner would, however, submit

that the petitioner was already undergoing sentence pertaining to FIR No.77 dated 19.08.2009 under Sections 148/302/149 IPC registered at Police Station Cantt Ferozepur as on the date of registration of FIR No.228 dated 11.08.2014.

It has gone uncontroverted that investigation in the present case is complete and the challan has been presented on 29.01.2015. The trial, as such, is at the initial stage.

It may also be apposite to notice that co-accused namely Sher Singh, Swaran Singh, Baljinder Singh and Deepak Khurana @ Deepu have already been granted the benefit of regular bail by this Court in the light of order dated 29.01.2015 passed in CRM No.M-38291 of 2014 and other connected petitions (Annexure P-2).

For the reasons recorded above, this Court is of the considered view that the present petitioner is also entitled for the benefit of regular bail.

Petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of CJM, Ferozepur.

Disposed of.

02.03.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**