

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

CRM No.M-7477 of 2015 (O&M)

Date of decision:16.07.2015

Parshotam

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present:- Mr. B.S. Sra, Advocate for the petitioner.

Mr. Nikhil.K. Chopra, DAG Punjab

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking regular bail to the petitioner pending trial in case FIR No.201 dated 18.12.2013 under Sections 21/61/85 of the NDPS Act, registered at Police Station Bhogpur, District Jalandhar.

Counsel for the parties have been heard.

Prosecution version in brief is that on 18.12.2013 upon secret information having been received, a black coloured scooter was intercepted and accordingly, Dhian Singh and Daljit Singh, who were riding the scooter were apprehended and an alleged recovery of 900 grams of heroin was effected.

Present petitioner is sought to be implicated in the present case on the basis a disclosure statement having been made by Dhian Singh on 18.12.2013 itself and as per which the contraband had been purchased from the present petitioner.

Accordingly, the petitioner, who had already been arrested in another case i.e. FIR No.10 dated 08.10.2014 registered at Police Station Civil Lines, Batala under Sections 21/61/85 of the NDPS Act and Section 12 of the Prevention of Corruption Act was brought on production warrants and as such, was arrested in the present FIR.

Counsel appearing for the petitioner has adverted to an application dated 19.12.2013 and placed on record at Annexure P-2 whereby police remand for five days was being sought and as per such application, it has been averred that Dhian Singh had admitted to have purchased the contraband from one Balwinder Singh, resident of Amritsar. The contents of the application placed on record at Annexure P-2 are not disputed. It has also not been controverted that the second application seeking remand for a further period of three days had been submitted and in which also it had been averred that Dhian Singh had made an admission with regard to purchase of heroin from Balwinder Singh.

Such discrepancy is sought to be explained by the learned State counsel upon instructions from ASI Ajit Singh that it was a typographical error and the contraband had actually been purchased as per admission of Dhian Singh not from Balwinder Singh but from the present petitioner, namely, Parshotam Singh.

In the light of such peculiar facts, false implication of the petitioner cannot be ruled out.

It is also the conceded position of fact that the petitioner

had already been granted the benefit of bail in other case i.e. FIR No.10 dated 08.10.2014 registered at Police Station Civil Lines Batala under the provisions of the NDPS Act.

Learned State counsel has also apprised the Court that investigation having been completed, challan has been presented and even charges have been framed but till date no prosecution evidence has been led. The trial, as such, shall take time to conclude.

In the totality of circumstances, the petitioner is held entitled to the benefit of bail.

Accordingly, petition is allowed. Petitioner, Parshotam be enlarged on bail subject to the satisfaction of CJM/Duty Magistrate Jalandhar.

It is, however, made clear that the observations contained in this order are confined only as regards consideration of the prayer of the petitioner seeking regular bail and would have no bearing on the trial proceedings.

Disposed of.

16.07.2015
harjeet

(TEJINDER SINGH DHINDSA)
JUDGE