

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

CRM No.M-8282 of 2015 (O&M)

Date of decision:23.03.2015

Binder Singh

... Petitioner

Vs.

The State of Haryana

... Respondent

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

Present: Mr. A.K. Khunger, Advocate for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the instant petition filed under Section 439 Cr.P.C. seeking concession of regular bail to the petitioner in case FIR No.107 dated 30.09.2012 under Sections 15/61/85 of the NDPS Act registered at Police Station Bahawwala, District Fazilka.

Counsel for the parties have been heard.

As per prosecution version, recovery of 200 kilograms of poppy husk has been effected in the case. However, concededly, such recovery was not made from the petitioner. He has been implicated only on the statement of co-accused, namely, Gurlal Singh @ Gora.

The petitioner has been in custody since 19.06.2014.

Learned State counsel would apprise the Court that the trial is at the very initial stage and would take time to conclude. Out of 14 prosecution witnesses cited, only 1 has been examined. Since the petitioner has not been arrested from the spot and no recovery has been made from his person, it would be debatable as regards his involvement in the case. Co-

accused, namely, Gurlal Singh has already been granted the benefit of bail by this Court vide order dated 16.12.2014 in CRM No.M-38446 of 2014.

As such, without expressing any opinion on the merits of the case, the instant petition is allowed.

Petitioner-Binder Singh be enlarged on bail subject to the satisfaction of CJM/Duty Magistrate, Fazilka.

Disposed of.

23.03.2015

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE