

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-8690 of 2015 (O&M)
Date of Decision: 28.4.2015

Amir Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Vivek K. Thakur, Advocate for the petitioner.

Mr. Nikhil K. Chopra, D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

The instant petition has been filed under Section 439 Cr.P.C praying for grant of regular bail to the petitioner in case F.I.R. No.112 dated 8.6.2013 under Sections 15, 25 of N.D.P.S Act, registered at Police Station, Sadar Jagraon, District Ludhiana.

Learned counsel for the parties have been heard.

The instant case has been registered on the basis of information supplied by ASI Nirbhay Singh on the allegations that on 8.6.2013 four persons travelling in a Mahindra vehicle fled away from the spot and leaving behind huge quantity of poppy husk i.e. 32 polythene bags containing 37 kgs. poppy husk each. As per prosecution version the driver of the vehicle had been identified as Gurtej Singh but he had also managed to escape from the spot.

The petitioner as also co-accused are sought to be implicated in the present case on the basis of an alleged confessional statement that all of them have suffered before the father of Sarpanch of village concerned.

The petitioner, who is stated to be also involved in F.I.R

No.109 dated 21.5.2014 under sections 15, 18, 21, 22, 61, 85 of N.D.P.S

Act registered at Police Station, Shah Kot was released on bail in such matter on 26.11.2014. He had been arrested in the present case on the immediate following day i.e. 27.11.2014.

Learned State counsel has apprised this Court that the petitioner is involved in yet another case under the N.D.P.S Act i.e. F.I.R No.325 dated 10.12.2009 registered at Police Station, Jagraon, District Ludhiana.

In so far as afore-noticed case is concerned, even though, vide order dated 30.3.2010 passed in CRM No. M-858 of 2010 benefit of anticipatory bail had been denied, yet, counsel appearing for the petitioner has produced before this Court, during the course of hearing today, copy of order dated 6.9.2010, passed by the Hon'ble Supreme Court in S.L.P (Criminal) No.4186 of 2010, wherein the concession of bail was duly granted.

It has also gone uncontroverted that co-accused namely Balwinder Singh against whom there are identical allegations has been granted the concession of pre-arrest bail by this Court in the light of order dated 21.4.2015, passed in CRM No. M-5801 of 2015.

Learned State counsel would further inform the Court that in the present case investigation has been completed and even the challan has been presented. Trial is stated to be at the initial stage itself.

Without making any observations on merits, the present petition is allowed.

Petitioner be enlarged on bail subject to satisfaction of the Trial Court.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

April 28, 2015
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