

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

(209)

CRM-M-12064-2016

Decided on: July 21, 2016.

Harmesh Singh alias Meshi

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Ashok Giri, Advocate, for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

M.M.S. BEDI, J (ORAL)

The petitioner has been in custody w.e.f. 21.11.2014 in a case registered on 25.05.2012 on the basis of a secret information that the petitioner along with Resham Singh was traveling in a Canter with huge quantity of poppy-husk. On a naka having been held, both the accused allegedly fled away from the spot leaving the Canter with 54 bags of poppy-husk containing 35 kg each.

Co-accused of the petitioner has not been arrested till date.

State counsel has not been able to inform the status of the trial/custody of the co-accused, but it is sufficient to observe here that the petitioner was arrested in this case while he had been arrested in another case under the NDPS Act. He was admittedly arrested after a gap of more than one and half year from the date of recovery. His identity and his possession in those peculiar circumstances will certainly be a debatable issue during trial.

Though the petitioner has been in custody since 21.11.2014 yet only one witness has been examined in seventeen dates of hearing. On sixteen dates of hearing, the petitioner was not produced.

In view of totality of the above said circumstances, the petitioner can be granted the concession of bail.

The petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court. In case the petitioner indulges in similar activity during the pendency of the trial, it will be open to the prosecution agency to approach this Court for cancellation of the bail.

(M.M.S. BEDI)
JUDGE

July 21, 2016
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