

Sr. No. 234

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M- 14041 of 2015
Date of Decision: 04.02.2016

Kikkar Singh

...Petitioner

Versus

State of Punjab

... Respondent

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

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

Mr. K.D.Sachdeva, Additional A.G.Punjab.

TEJINDER SINGH DHINDSA. J (ORAL)

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner pending trial in case FIR No.43 dated 02.06.2013, under Sections 15/61/85 of Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS Act'), registered at Police Station Nurmahal.

Counsel for the parties have been heard.

As per prosecution version, a police party while on patrolling duty and on checking up private vehicles saw a white coloured Maruti Car coming and in which there were two young persons. On being signalled to stop, both of them are stated to have fled but were identified by Head Constable Shamsheer Singh.

The alleged recovery made from the vehicle is of 150 Kgs
of poppy husk.

Petitioner was arrested on 24.07.2014. Neither was the petitioner apprehended on the spot and as such no recovery has been effected from him. No specific response is forthcoming on behalf of the State as to on what basis did the police official, namely, Shamsheer Singh, Head Constable identify the present petitioner. He is not even stated to be the resident of the same village to which the present petitioner belongs. Even the vehicle in question i.e. Maruti Car is not in the ownership of the present petitioner but has been found to be belonging to one Surinder Pal who has now been nominated as an accused.

In view of the circumstances and facts noticed hereinabove, false implication of the petitioner cannot be discarded.

It has also gone uncontroverted that the petitioner is not involved in any other case under the NDPS Act.

Without making any comments and observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Jalandhar.

Disposed of.

04.02.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**