

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-15961 of 2016 (O&M)
Date of Decision: 16.05.2016

Babbu Singh @ Hardial Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. S.S. Sidhu, Advocate for the petitioner.

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

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.9 dated 4.3.2014 under sections 15, 25, 29, 61, 85 of N.D.P.S Act (later on challan also presented under sections 201, 120-B I.P.C), registered at Police Station, Bhadaur, District Barnala.

Learned counsel for the parties have been heard.

As per prosecution version, based on secret information a truck bearing registration no. HR-62-A-2525 was intercepted and from which an alleged recovery of 2880 kgs of poppy husk was effected. F.I.R was registered against 4/5 unknown persons.

As per prosecution version, statement of Balraj Singh was recorded under section 161 Cr.P.C and who in turn stated that he had overheard conversation between certain persons as regards peddling in poppy husk.

Based on such statement of Balraj Singh recorded under section 161 Cr.P.C one Mandeep Singh was arrested on 23.3.2014. The present petitioner is sought to be implicated on the disclosure statement of such

Mandeep Singh.

It has gone uncontroverted that Balraj Singh has been examined before the Trial Court as PW-1 and has not supported the prosecution version. Rather he has categorically stated that no such statement was ever recorded.

Mandeep Singh on whose statement the present petitioner is sought to be implicated has been granted benefit of regular bail by this Court in the light of order dated 22.4.2016 passed in CRM No. M-23951 of 2015.

Petitioner is not stated to be involved in any other case under the N.D.P.S Act. He has faced incarceration since 10.9.2015.

Without making any observations on merits and keeping in view the length of incarceration already suffered by the petitioner, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Barnala.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

16.05.2016
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