

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

CRM-M-19031 of 2016 (O&M)
Date of decision : 27.07.2016

Boli Ram

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. S. S. Gill, Advocate for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab
assisted by HC Ranjit Singh

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.85 dated 22.05.2014, registered under Sections 15, 18, 20, 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS'), at Police Station City Dhuri, District Sangrur.

The learned counsel for the petitioner contends that the present FIR is a counter blast of the complaint (Annexure P-2) made by the petitioner against the complainant. The petitioner was not arrested from the spot. The petitioner has been falsely implicated in the present case on the basis of secret information. No recovery has been effected from the conscious possession of the petitioner. He states that the petitioner is in

custody since 30.07.2014.

On the other hand, the learned State counsel has vehemently opposes the present petition and stated that challan has been presented and out of 16 prosecution witnesses, none has been examined so far.

Heard.

Keeping in view the facts that petitioner is in custody since 30.07.2014; challan stands presented; he was not arrested from the spot; and none of the witnesses has been examined so far, no useful purpose would be achieved in keeping the petitioner behind the bars.

In view of above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds/surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

27.07.2016

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No