

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

CRM No.M-20943 of 2016 (O&M)

Date of decision: 27.08.2016

Jahir Ahmed @ Jahir

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Rajesh Bhateja, Advocate for
Mr. Sarfraj Hussain, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted by HC Sukhwinder Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No.106, dated 03.09.2013, registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sadar Phagwara, District Kapurthala.

It is contended that the petitioner has been falsely implicated in the instant case. He was neither arrested from the spot nor is he owner of the vehicle in question. The petitioner is in custody since 03.09.2013.

On the other hand, the learned State counsel opposes the prayer of bail and submits that the petitioner actively participated in

the commission of crime.

I have heard learned counsel for the parties and perused the record.

Considering the fact that the petitioner is neither the owner of the vehicle nor arrested from the spot and further that except the statement of the petitioner that he received phone call from his brother in-law at this stage, there is no evidence against the petitioner, 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 and 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.

27.08.2016
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No