

Sr. No. 219

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-23951 of 2015 (O&M)
Date of Decision: 22.04.2016

Mandeep Singh @ Deepa

...Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. G.S.Kaura, Advocate,
for the petitioner.

Ms. Manpreet Dhaliwal, AAG, 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 in case F.I.R. No.09 dated 04.03.2014, under Sections 15, 25, 29, 61, 85 of N.D.P.S Act and Sections 201/120B/467/471 of Indian Penal Code, 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.

Present petitioner is sought to be implicated on the basis of a statement recorded of Balraj Singh under section 161 Cr.P.C. As per prosecution, Balraj Singh in his statement had stated that he had

overheard conversation between certain persons as regards peddling in poppy husk.

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

The petitioner is not stated to be involved in any other case under the N.D.P.S Act.

Under such circumstances, false implication of the petitioner in the present case, cannot be ruled out.

Without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Barnala.

Petition disposed of.

22.04.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**