

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

CRM-M-25333 of 2016

Date of Decision: August 01, 2016

Baldev Krishan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether Reporters of Local Newspapers may be allowed to see the judgment? Yes/No
2. Whether to be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. C.S. Brar, DAG, Punjab.

FATEH DEEP SINGH, J.

The allegations against the petitioner-Baldev Krishan in this regular bail application are that the Police apprehended one Ashok Kumar on 14.5.2016 leading to recovery of 1 Kg of heroine and it was subsequent in his statement this accused named petitioner-Baldev Krishan and, thereafter, on the arrest of the petitioner 100 grams of heroine was recovered on 17.5.2016.

The contentions of the learned counsel for the petitioner that the very remand papers on the basis of which the Police have sought his remand are in itself contradictory as to the whereabouts of the present petitioner so named in the statement of the co-accused and that the

provisions of Section 29 Cr.P.C. do not stand attracted and further that the alleged recovery is non-commercial.

The application is opposed by the State counsel on the ground that the petitioner along with his co-accused are running a syndicate of selling intoxicants and, therefore, disentitles him to any relief.

Appreciating the submissions as is conceded by the State counsel the only evidence against the petitioner is statement of his co-accused, admissibility of which is a debatable issue and the alleged recovery at the behest of the petitioner is only 100 grams, thus, a non-commercial quantity and that the petitioner is in custody for more than two and a half months, the trial is not likely to be concluded in near future and no useful purpose would be served by keeping the petitioner behind the bars, without adverting anything on the merits of the case, the present petition for grant of regular bail is allowed. Petitioner be admitted to bail to the satisfaction of the trial Court.

(FATEH DEEP SINGH)
JUDGE

August 01, 2016
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