

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

CRM-M-29009 of 2016 (O&M)

Date of decision : 09.09.2016

Bharat Bhushan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. N.S. Sodhi, Advocate for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab
assisted by ASI Sarbjit 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 FIR No.161 dated 11.05.2014, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act (for short 'the Act'), at Police Station Nakodar, District Jalandhar.

It is contended that no recovery was effected from the petitioner. The petitioner has been falsely implicated on the basis of disclosure statement of co-accused, Bagicha Singh, who has been acquitted vide judgment dated 02.06.2016 (Annexure P-4). He further states that present FIR is the result of animosity displayed by Investigating Officer-ASI Sukhdev Singh against whom the petitioner has approached this Court by way of filing the petition (Annexure P-5) and states that within short span of 21 days, the petitioner has been roped in as many as 13 FIRs. The petitioner is in custody since 28.02.2016

Reply on behalf of the respondent has been filed in the Court, is taken on record.

On the other hand, the learned State counsel submits that the petitioner is a convict and there is evidence that the contraband recovered from co-accused, Bagicha Singh was supplied by the petitioner. He further states that challan stands presented and none of the prosecution witnesses has been examined so far.

Heard.

Considering the fact that co-accused, Bagicha Singh from whom allegedly the contraband had been recovered, stands acquitted; the petitioner is in custody since 28.02.2016; the strong allegation of hostility have been made against the Investigating Officer-ASI Sukhdev Singh; challan stands presented; and no prosecution witnesses has been examined so far, no purpose would be served in keeping the petitioner behind the bars, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail, during the pendency of 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.

09.09.2016
ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No