

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

CRM-M-31082 of 2016 (O&M)

Date of decision : 29.09.2016

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

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.227 dated 29.05.2014, 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, Sahib Singh. 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-4) and states that within short span of 21 days, the petitioner has been roped in as many as 12 FIRs. The petitioner is in custody since 24.02.2016

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, Sahib Singh was supplied by the petitioner. He further states that challan stands presented.

Heard.

Considering the fact that the petitioner is in custody since 24.02.2016; the strong allegations of hostility have been made against the Investigating Officer-ASI Sukhdev Singh; and challan has been filed, 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/CJM/Duty Magistrate, concerned.

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

29.09.2016

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No