

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

215

CRM-M-3185-2016

Date of Decision: March 31, 2016

HARMESH SINGH @ MESHI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE M.M.S.BEDI

Present: Mr.Ashok Giri, Advocate for the petitioner.

Mr.Jashan Preet Singh, AAG, Punjab.

M.M.S.BEDI, J.(Oral)

After hearing counsel for the the petitioner and State counsel it appears that the petitioner is involved in other cases also. He is also a convict in another FIR and sentenced to undergo rigorous imprisonment for 20 years. So far as the present FIR No.134 dated 21.8.2013 under Section 15 of the NDPS Act is concerned, the petitioner was involved in this case on the basis of secret information that the petitioner indulged in selling of poppy husk and was on his way in a Canter with unknown person from Moga.

As per the story of prosecution he managed to escape before he could be intercepted at Naka. The other unknown person also fled from the spot. Petitioner was arrested after a period of one year and three months by issuing production warrants while the petitioner was in custody with the police in another case. On account of petitioner being a convict in another case under NDPS Act and undertrial in other cases under NDPS Act, he would not be entitled for bail but taking into consideration the peculiar circumstances that in the present case the petitioner was not arrested along with 440 Kg of poppy husk which was allegedly recovered from the Canter and he having been arrested after

one year and three months by issuing production warrant while he was in custody in another case, identity of the petitioner and possession of the bags would certainly be a debatable issue during the course of trial. Petitioner was not arrested from the spot.

Taking into consideration the period of detention suffered by petitioner in the present case FIR No.134 dated 1.8.2013, he can be granted the concession of bail.

The petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court in FIR No.134 dated 1.8.2013 in case he is not required to be detained in any other case as on undertrial or as a convict.

March 31, 2016
TSG

(M.M.S.BEDI)
JUDGE