

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

***CRM No.M-31377 of 2015 (O&M)
Date of Decision: 01.02.2016***

Jatinder Singh @ Sonu

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Vipul Jindal, Advocate for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab.

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TEJINDER SINGH DHINDSA.J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.119 dated 09.07.2012, under Section 21 of the NDPS Act, registered at Police Station Jhabhal, District Tarn Taran.

Counsel for the parties have been heard.

As per prosecution version, an alleged recovery of 3 kgs of heroin was effected from co-accused, Sukhvir Singh, who was riding the motorcycle and was even carrying the bag on his shoulder from which the alleged recovery has been made. Insofar as the present petitioner is concerned, he is stated to be pillion riding on the same very motorcycle but had escaped from the spot.

Petitioner is in custody since 26.07.2012.

There is no recovery that has been effected from the present petitioner. Co-accused while riding the motorcycle was apprehended when a nakabandi was laid down by a police party consisting of 8 officials. It is surprising that inspite of secret information having already been received such a large contingent of police officials have permitted the petitioner to

escape as is the version sought to be portrayed. The contention raised on behalf of the petitioner that it is a case of false implication cannot as such be discounted.

A previous petition filed by the present petitioner seeking benefit of regular bail i.e. CRM No.M-15453 of 2015 did not find favour with the coordinate Bench of this Court and was dismissed on 18.05.2015 by noticing that the trial had made progress and out of 14 prosecution witnesses, 9 had already been examined.

Learned State counsel would today inform the Court that the Investigating Officer in the present case is himself an accused in a different criminal matter and is now absconding and as such, the trial is held up.

In the totality of circumstances i.e. keeping in view the length of incarceration already suffered by the petitioner, recovery having not been effected from the present petitioner and the trial not likely to conclude in the immediate future, petitioner is held entitled to the concession of bail.

Petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Tarn Taran.

It is clarified that the observations contained in this order are confined only as regards considering the prayer of the petitioner for grant of bail and would have no bearings on the merit of the case.

Disposed of.

01.02.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**