

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-35385 of 2016
Date of decision : December 08, 2016

Salman alias Kayum

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Ms Deepa Jain, Advocate, for the petitioner

Mr. C.S.Brar, DAG, Punjab, for the respondent

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Salman alias Kayum in this regular bail application under section 439 Cr.P.C. are that on 6.7.2016, the police accosted his co-accused non-petitioner Rajpal and from whom 1.100 kgs of ganja, a non-commercial quantity, punishable under section 20 of the NDPS Act has been recovered.

The contentions of the learned counsel for the petitioner are that the petitioner is in custody since 27.7.2016 and the only semblance of evidence against the petitioner is statement of his co-accused. The learned State counsel has not controverted the factual position.

In view of the very admissibility of the statement of the co-accused being a debatable issue and its legal affect can only be gone into at the time of trial and the fact that the trial is not likely to be concluded in near future, without adverting to the merits of the case, the instant

application is allowed. Bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Faridabad.

The present petition stands disposed off accordingly.

December 08, 2016
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No