

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

CRM-M-3821-2016 (O&M)
Date of decision : 22.07.2016

Boota Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Lakhwinder Singh Mann, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by SI Malkit Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in case FIR No.186 dated 09.07.2014, registered under Sections 15 and 25 of the NDPS Act, at Police Station Phillaur, Distt. Jalandhar.

Learned counsel contends that the petitioner was neither arrested from the spot, nor is he the driver of the truck in question. The petitioner does not have any criminal antecedents. He has been implicated in the present case on the basis of secret information. Two co-accused, namely, Malkit Singh and Puran Singh, who were arrested from the spot and from whose custody the alleged recovery was effected, have been enlarged on bail by the trial Court.

On the other hand, learned State counsel states that the petitioner was declared proclaimed offender. Challan stands presented and

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charges framed. Out of sixteen prosecution witnesses, three have already been examined.

Heard.

The petitioner is not involved in any other case under the NDPS Act. Two co-accused, who were apprehended from the spot along with the alleged contraband have since been released on bail by the trial Court. The petitioner is in custody since 18.07.2015. Only three out of sixteen prosecution witnesses have been examined so far, thus, it can be safely inferred that the trial is not likely to be concluded in the near future. Therefore, no purpose would be achieved in keeping the petitioner under further incarceration.

Keeping in view the totality of the circumstances, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

22.07.2016

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(JITENDRA CHAUHAN)
JUDGE