

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-41522 of 2015 (O&M)
Date of Decision: 28.01.2016

Makhan Singh

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. K.V. Singh, Advocate for the petitioner.

Mr. Deepak K. Grewal, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.155 dated 7.8.2013 under sections 15, 16, 27-A, 61, 85 of N.D.P.S Act and sections 420, 467, 468, 471 I.P.C, registered at Police Station, Kalan Wali, District Sirsa.

Learned counsel for the parties have been heard.

As per prosecution version, an alleged recovery of 4400 kgs of poppy husk was made on the basis of a secret information on 7.8.2013. It is the case of the prosecution that there were four vehicles involved in transporting the poppy husk i.e. a truck bearing registration no. PB-07-R-0346, two tractor-trolleys and one swift car.

In so far as the present petitioner is concerned, he was neither apprehended on the spot and nor has any recovery been effected from his person. He is sought to be implicated on the basis of a disclosure statement of co-accused Lavar Singh @ Bachi, who was apprehended on the spot. State counsel would concede that none of the four vehicles belong to the petitioner.

Petitioner has been in custody since 21.3.2014. It stands conceded that the petitioner is not involved in any other case under the N.D.P.S Act.

Even the trial has not made much progress as out of 26 prosecution witnesses having been cited only five have been examined till date.

In view of the above and coupled with the length of incarceration already suffered by the petitioner, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Sirsa.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

28.01.2016
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