

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-41523 of 2015 (O&M)
Date of Decision: 16.02.2016

Buta Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Vivek K. Thakur, Advocate for the petitioner.

Ms. Manpreet Dhaliwal, A.A.G., Punjab.

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.12 dated 26.6.2015 under sections 21, 25, 29, 61, 85 of N.D.P.S Act, registered at Police Station, State Special Operation Cell, Amritsar.

Learned counsel for the parties have been heard.

As per prosecution version, secret information was received with regard to smuggling of contraband and in which the name of the present petitioner as also co-accused Jaspal Singh figured. Based on secret information a *Nakabandi* was laid and a white colored Verna car bearing registration no.PB-07-W-1512 was intercepted. Driver of the vehicle disclosed his name as Jaspal Singh. The alleged recovery is stated to be of 1 kg. of heroin.

Petitioner has been arrested on 9.8.2015. He is sought to be implicated on the disclosure statement of co-accused Jaspal Singh.

It has gone uncontroverted that the petitioner was not apprehended on the spot and as such, there was no recovery effected from

his conscious possession. It is not even the case of the prosecution that the petitioner had managed to escape from the spot. Even the Verna car in question is not in the ownership of the present petitioner.

Counsel for the petitioner has very fairly brought to the notice of this Court that apart from the present F.I.R, there are six other cases registered against the petitioner under the N.D.P.S Act i.e. (i) F.I.R No. 87 dated 11.6.2001 (ii) F.I.R No.89 dated 12.6.2001 (iii) F.I.R No.352 dated 19.9.2002 (iv) F.I.R No.80 dated 8.5.2008 (v) F.I.R No.6 dated 23.1.2009 (vi) F.I.R No.97 dated 10.5.2014.

In this regard also there is no dispute that in so far as F.I.R No.80 dated 8.5.2008 is concerned, the petitioner has already been acquitted and in the other three F.I.Rs petitioner has already been granted bail.

Under such circumstances, false implication of the petitioner cannot be discounted.

Investigation in the present case is complete and the challan already stands presented. Learned State counsel upon instructions from ASI Malkit Singh would submit that charges are yet to be framed. The trial, as such, is at the very initial stage.

In the totality of the circumstances and without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Amritsar.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

16.02.2016
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