

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

***CRM No.M-42958 of 2015 (O&M)
Date of Decision: 12.01.2016***

Surjeet Singh

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Vivek K. Thakur, Advocate for the petitioner.
Mr. K.D. Sachdeva, Additional Advocate General, Punjab.
....

TEJINDER SINGH DHINDSA.J.

Petitioner seeks the benefit of regular bail in case FIR No.156 dated 17.11.2015, under Section 15 of the NDPS Act and Section 120-B IPC, registered at Police Station Bhogpur, District Jalandhar.

Counsel for the parties have been heard at length.

Counsel would submit that prior to the registration of the FIR, petitioner was involved in FIR No.126 dated 08.10.2012 as also FIR No.16 dated 27.10.2012 wherein he had been allowed bail on the basis that he had not been arrested from the spot. However, petitioner was taken into custody in FIR No.115 dated 12.09.2012 registered at Police Station Kartarpur, District Jalandhar. Petitioner is stated to have filed a bail application in FIR No.115 dated 12.09.2012 and such application was allowed by this Court on 18.11.2015 again on the basis that he had not been apprehended on the spot and that he was in custody since 26.12.2014.

Counsel further submits that when the petitioner was proceeding to furnish the bail bonds in FIR No.115 dated 12.09.2012, he has been arrested in the present FIR on the basis of production warrants.

Even though, the present petition has been opposed by the

learned State counsel by contending that the petitioner is involved in 9 other cases under the NDPS Act but there is no denial to the fact that the petitioner has been granted bail in each one of them.

In view of the circumstances noticed hereinabove, false implication of the petitioner cannot be ruled out.

Even in the present FIR, there is no recovery effected from the petitioner and rather he was in custody at that point of time.

Without making any observations on the merits, the petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of CJM/Duty Magistrate, Jalandhar.

Disposed of.

12.01.2016

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE