

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-10488 of 2017

Date of decision : May 23, 2017

Sukhbir Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Sandeep Arora, Advocate, for the petitioner
Mr. J.S.Brar, AAG, Punjab, for the respondent

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Sukhbir Singh in this regular bail application under section 439 Cr.P.C. are that on the basis of secret information received on 19.6.2014, the present case was got registered against the accused and on the statement of co-accused, the present petitioner has been implicated and subsequently arrested on 16.7.2015.

The contentions of the counsel for the petitioner are that the petitioner is behind the bars since 16.7.2015 and nothing has been recovered from him and the very legality and validity of statement of co-accused is a debatable issue.

The bail is stoutly opposed by the learned State counsel on the grounds that the petitioner is habitual in dealing with narcotics and is not entitled to any bail.

Appreciating the submissions as has been contended by the counsel for the petitioner from the judicial custody, the petitioner has been

brought on police remand and has been involved in the present case. The legality, validity and acceptability of statement of co-accused being a debatable issue is the subject matter of judicial adjudication. Thus, keeping in view the substantive period of incarceration 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, Tarn Taran.

The present petition stands disposed off accordingly.

The observations made herein above shall not be binding on the trial court at the time of trial as these are purely for the disposal of the present bail application.

May 23, 2017
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No