

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-11505 of 2017

Date of decision : May 08, 2017

Pupinder Singh @ Bhupinder Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Vipul Jindal, Advocate, for the petitioner
Mr. Rupam Aggarwal, DAG, Punjab, for the respondent/State

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Pupinder Singh @ Bhupinder Singh in this anticipatory bail application are that on 2.1.2017 from the possession of Twinklejit Singh @ Rinku and Sukhwinder Singh @ Bittu co-accused of the petitioner, 4 kgs 992 grams heroin was recovered while they were travelling in a car. During the investigation, on the statements of these co-accused the present petitioner has been implicated in the present case.

The contentions of counsel for the petitioner are that there is no semblance of evidence against the petitioner and that nothing has been recovered from him nor he is named in the FIR.

The bail application is stoutly opposed by the learned State counsel submitting that the petitioner is a BSF constable and is carrying on notorious activities in narcotics.

Appreciating the submissions of two sides, it is the own stand

of the prosecution that nothing has been gathered against the petitioner and there is only statements of co-accused, the admissibility and legality of such a piece of evidence is subject matter of judicial scrutiny at the time of trial. Since as per the own stand of the prosecution, nothing is to be recovered from the petitioner in this case, no useful purpose will be served by sending the petitioner behind bars.

In view of the aforesaid, the present petition is allowed. In the event of arrest, the petitioner shall be released on bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court. However, the prosecution shall be at liberty to move for cancellation of this bail in case at any stage the prosecution gathers sufficient evidence that any incriminating article is to be recovered from the petitioner.

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 08, 2017
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No