

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

206

CRM-M-12361-2017 (O&M)

Date of decision: 21.04.2017

ONKAR SINGH @ VICKY @ JAFFARWAL

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present : Mr. Upender Prasher, Advocate
for the petitioner (s).

Ms. Harsimrat Rai, DAG, Punjab

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No.55 dated 29.08.2016, registered under Sections 21, 22 and 29 of NDPS Act, at Police Station 'D' Division, District Amritsar.

Contents that the FIR in question was registered on 29.08.2016 when the petitioner was already in custody in FIR No.49 dated 22.08.2013. No recovery is effected from the petitioner. The petitioner never made any confessional statement before the police. The recovery in the present case is effected from co-accused, Harpal Singh. The learned State counsel does not dispute this factual aspect of the matter. However, she states that confessional statement is duly signed by the petitioner. Lastly, the learned counsel for the petitioner submits that petitioner is not involved in any other FIR, which is duly acknowledged by the learned State counsel.

The learned State counsel further informs that challan has been presented and out of 11 PWs, none has been examined so far.

Heard.

Considering the facts that no recovery was effected from the petitioner; he is not involved in any other FIR; moreover, there is no investigation qua source of contraband allegedly recovered from co-accused, Harpal Singh; challan has been presented and out of 11PWs, none has been examined so far, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

21.04.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No