

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

CRM No.M-12369-2017 (O&M)
Date of decision: 17.05.2017

SAIM KHAN

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present : Mohd. Yousaf, 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.30 dated 02.03.2017, registered under Sections 379, 379-B and 411 IPC and Section 22 of NDPS Act, at Police Station Division No.2, Jalandhar, Distt. Jalandhar.

Contents that the petitioner is young boy of 19 years, who has been falsely projected as a member of gang engaged in committing theft of vehicles, whereas, the petitioner is not involved in any other FIR. He is being named in the FIR on the basis of secret information which raises doubt about the veracity of the FIR itself. Allegedly, four mobile phones have been shown to be recovered from the custody of the petitioner.

However, no NDPS substance was recovered from him. The petitioner is in custody since 02.03.2017.

On the other hand, the learned State counsel vehemently opposes the present bail petition and submits that petitioner is a member of a gang involved in drugs and theft of motorcycles. However, she, on instructions, states that the petitioner is not involved in any other FIR.

Heard.

Considering the young age of the petitioner and the facts that he is not involved in any other FIR; no NDPS substance was recovered from him; he is in custody since 02.03.2017, no purpose would be served in keeping the petitioner behind the bars.

Accordingly, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

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

17.05.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No