

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

CRM -M-1300 of 2017 (O&M)

Date of decision: 28.02.2017

Malkiat Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Kamal Narula, Advocate for the petitioner.

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. 103 dated 14.09.2016, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 420, 467, 468, 379 and 411 of IPC, at Police Station Kulgarhi, District Ferozepur.

It is contended that on the basis of secret information, police of Police Station Zira registered an FIR No. 157, under Sections 379 and 411 of IPC against the petitioner. Another FIR on the basis of secret information was registered in District Bathinda under Sections 379 and 411 of IPC. The petitioner was arrested on 14.09.2014 and allegedly 50 gms of intoxicant powder was recovered. Subsequently, the petitioner has been falsely implicated in above said two FIRs and recovery of 16 stolen vehicles have been planted upon him.

On the other hand, learned State counsel opposes the bail application and states that the petitioner is a habitual offender. The FSL report is still awaited.

I have heard learned counsel for the parties and perused the record.

As per secret information, the petitioner has been projected to be a person engaged in selling of intoxicant powder and theft of vehicles in the area, however, the learned State counsel has not been able to refer to any FIR whereby it can be presumed that the petitioner had been involved in selling narcotic substance or a person of doubtful antecedents. Keeping in view the fact that the FSL report is still awaited, the Court feels that ends of justice would be met if the petitioner is allowed interim bail. Therefore, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to interim bail on his furnishing bail bonds and surety bonds, to the satisfaction CJM/Illaq Magistrate/trial Court.

However, if the chemical report is found to be positive, the same shall be intimated/forwarded to the petitioner who shall surrender before the competent Court within a week thereafter.

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

28.02.2017

sumit.k

(JITENDRA CHAUHAN)
JUDGE

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